

Freedom in the World 2022

The findings of *Freedom in the World 2022* include events from January 1, 2021, through December 31, 2021.

Freedom in the World 2022

The Annual Survey of Political Rights and Civil Liberties

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Freedom in the World 2022

The Global Expansion of Authoritarian Rule

by Sarah Repucci and Amy Slipowitz

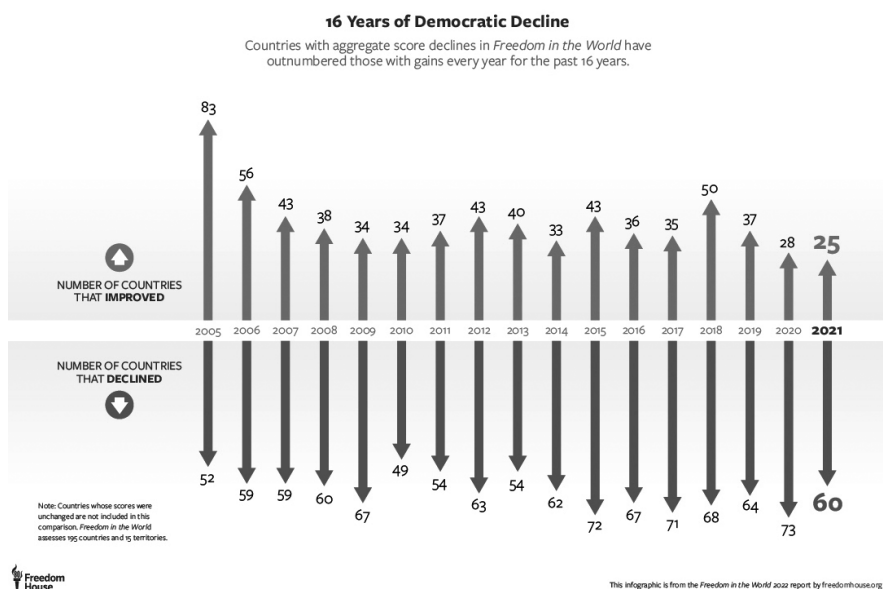
Global freedom faces a dire threat. Around the world, the enemies of liberal democracy—a form of self-government in which human rights are recognized and every individual is entitled to equal treatment under law—are accelerating their attacks. Authoritarian regimes have become more effective at co-opting or circumventing the norms and institutions meant to support basic liberties, and at providing aid to others who wish to do the same. In countries with long-established democracies, internal forces have exploited the shortcomings in their systems, distorting national politics to promote hatred, violence, and unbridled power. Those countries that have struggled in the space between democracy and authoritarianism, meanwhile, are increasingly tilting toward the latter. The global order is nearing a tipping point, and if democracy's defenders do not work together to help guarantee freedom for all people, the authoritarian model will prevail.

The present threat to democracy is the product of 16 consecutive years of decline in global freedom. A total of 60 countries suffered declines over the past year, while only 25 improved. As of today, some 38 percent of the global population live in Not Free countries, the highest proportion since 1997. Only about 20 percent now live in Free countries.

During this period of democratic decline, checks on abuse of power and human rights violations have eroded. In the decades after World War II, the United Nations and other international institutions promoted the notion of fundamental rights, and democracies offered support—however unevenly—in their domestic and foreign policies as they strove to create an open international system built on shared resistance to totalitarianism. After the fall of the Berlin Wall, leaders of countries in transition felt compelled to publicly embrace the same ideals in order to win acceptance in the international community, even if their commitment was only skin deep. Governments that relied on external economic or military support had to stage at least superficially credible elections and respect some institutional checks on their power, among other concessions, to maintain their good standing.

For much of the 21st century, however, democracy's opponents have labored persistently to dismantle this international order and the restraints it imposed on their ambitions. The fruits of their exertions are now apparent. The leaders of China, Russia, and other dictatorships have succeeded in shifting global incentives, jeopardizing the consensus that democracy is the only viable path to prosperity and security, while encouraging more authoritarian approaches to governance.

Countries in every region of the world have been captured by authoritarian rulers in recent years. In 2021 alone, Nicaragua's incumbent president won a new term in a tightly orchestrated election after his security forces arrested opposition candidates and deregistered



civil society organizations. Sudan's generals seized power once again, reversing democratic progress made after the 2019 ouster of former dictator Omar al-Bashir. And as the United States abruptly withdrew its military from Afghanistan, the elected government in Kabul collapsed and gave way to the Taliban, returning the country to a system that is diametrically opposed to democracy, pluralism, and equality.

At the same time, democracies are being harmed from within by illiberal forces, including unscrupulous politicians willing to corrupt and shatter the very institutions that brought them to power. This was arguably most visible last year in the United States, where rioters stormed the Capitol on January 6 as part of an organized attempt to overturn the results of the presidential election. But freely elected leaders from Brazil to India have also taken or threatened a variety of antidemocratic actions, and the resulting breakdown in shared values among democracies has led to a weakening of these values on the international stage.

It is now impossible to ignore the damage to democracy's foundations and reputation. The regimes of China, Russia, and other authoritarian countries have gained enormous power in the international system, and free countries have seen their established norms challenged and fractured. The current state of global freedom should raise alarm among all who value their own rights and those of their fellow human beings. To reverse the decline, democratic governments need to strengthen domestic laws and institutions while taking bold, coordinated action to support the struggle for democracy around the world. In less free countries, democrats must unite to resist the encroachment of unchecked power and work toward expanding freedom for all individuals. Only global solidarity among democracy's defenders can successfully counter the combined aggression of its adversaries.

Popular demand for democracy remains strong. From Sudan to Myanmar, people continue to risk their lives in the pursuit of freedom in their countries. Many others undertake dangerous journeys in order to live freely elsewhere. Democratic governments and societies must harness and support this common desire for fundamental rights and build a world in which it is ultimately fulfilled.

WHAT IS DEMOCRACY?

Fundamental to the restoration of democracy is a correct understanding of what it is. The word democracy has been applied, rightly or wrongly, to states of all types, from the “Democratic People’s Republic” of North Korea to the freest polities in Scandinavia. A December 2021 joint op-ed by the Russian and Chinese ambassadors to the United States called both of their dictatorships “democratic.” Misappropriation of the word is a testament to democracy’s widespread appeal. Yet this unfortunate practice has generated confusion, allowing opponents to simultaneously claim democratic credentials and argue that actual democracies are ineffective or hypocritical.

Moreover, it has contributed to a misperception that all democracy requires is the regular performance of elections. Democracy means more than just majority rule, however. In its ideal form, it is a governing system based on the will and consent of the governed, institutions that are accountable to all citizens, adherence to the rule of law, and respect for human rights. It is a network of mutually reinforcing structures in which those exercising power are subject to checks both within and outside the state, for example, from independent courts, an independent press, and civil society. It requires an openness to alternations in power, with rival candidates or parties competing fairly to govern for the good of the public as a whole, not just themselves or those who voted for them. It creates a level playing field so that all people, no matter the circumstances of their birth or background, can enjoy the universal human rights to which they are entitled and participate in politics and governance.

Democracy is also more than just an ideal. It is a practical engine of self-correction and improvement that empowers people to constantly, peacefully struggle toward that ideal. When one part of the system falters, the others can be used as tools to repair and strengthen it. This unique and inherent capacity for self-correction is what makes democracy so successful at delivering long-term stability and prosperity. No democracy in the real world is perfect, and those demanding democracy in places like Cuba and Hong Kong are not demanding perfection. What they desire are the freedoms and the institutions that will allow them to create a better life and a more just society over time.

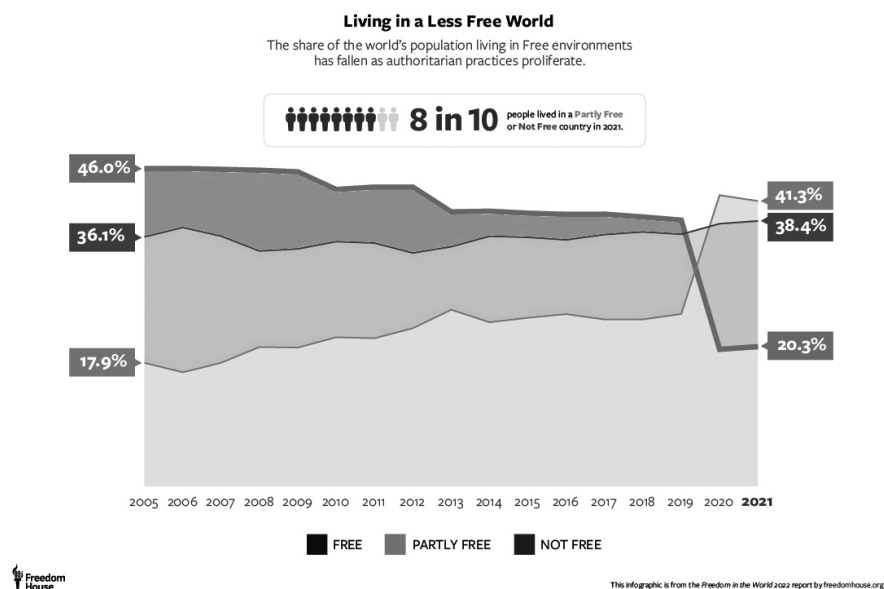
THE PROMOTION OF AUTOCRATIC NORMS

Autocrats have created a more favorable international environment for themselves over the past decade and a half, empowered by their own political and economic might as well as waning pressure from democracies. The alternative order is not based on a unifying ideology or personal affinity among leaders. It is not designed to serve the best interests of populations, or to enable people to improve their own lives. Instead it is grounded in autocrats’ shared interest in minimizing checks on their abuses and maintaining their grip on power. A world governed by this order would in reality be one of disorder, replete with armed conflict, lawless violence, corruption, and economic volatility. Such global instability and insecurity would have a significant cost in human lives.

The Chinese Communist Party (CCP) plays a leading role in promoting autocratic norms. Citing its self-serving interpretation of state sovereignty, the party strives to carve out space for incumbent governments to act as they choose without oversight or consequences. It offers an alternative to democracies as a source of international support and investment, helping would-be autocrats to entrench themselves in office, adopt aspects

of the CCP governance model, and enrich their regimes while ignoring principles like transparency and fair competition. At the same time, the CCP has used its vast economic clout and even military threats to suppress international criticism of its own violations of democratic principles and human rights, for instance by punishing governments and other foreign entities that criticize its demolition of civil liberties in Hong Kong or question its expansive territorial claims.

In 2021, the CCP further extended the scope of speech it would not tolerate, employing economic and technological leverage to pressure governments, international institutions, and the private sector to echo its preferred narratives. Although new evidence indicated that party leader Xi Jinping and other top officials had a hand in planning and implementing widespread crimes against humanity and acts of genocide against ethnic minority groups in Xinjiang, many foreign actors, including some democracies, toed the CCP line. A Marriott hotel in the Czech Republic declined to host a November 2021 World Uyghur Congress gathering, arguing that it preferred to observe “political neutrality.” New Zealand’s Parliament refrained from identifying Beijing’s actions in Xinjiang as a genocide after the trade minister voiced concerns that such language would hinder economic relations with China. Such threats are credible given Beijing’s past reprisals against foreign companies and nations, including the imposition of tariffs on Australian exports after Canberra called for an independent investigation into the origin of COVID-19.



DROPPING THE PRETENSE OF COMPETITIVE ELECTIONS

Elections, even when critically flawed, have long given authoritarian leaders a veneer of legitimacy, both at home and abroad. As international norms shift in the direction of autocracy, however, these exercises in democratic theater have become increasingly farcical.

In the run-up to Russia’s September 2021 parliamentary elections, the regime of President Vladimir Putin dispelled the illusion of competition by imprisoning opposition leader Aleksey Navalny and tarring his movement as “extremist,” which prevented any candidates who were even loosely associated with it from running for office. The balloting itself was

marred by irregularities and restrictions on independent observers, and technology firms were forced to remove a Navalny-backed mobile app meant to inform opposition voters about the strongest candidates in their area. A law on “foreign agents” was also expanded ahead of the elections, restricting the activities of independent media as well as individuals who were critical of the regime.

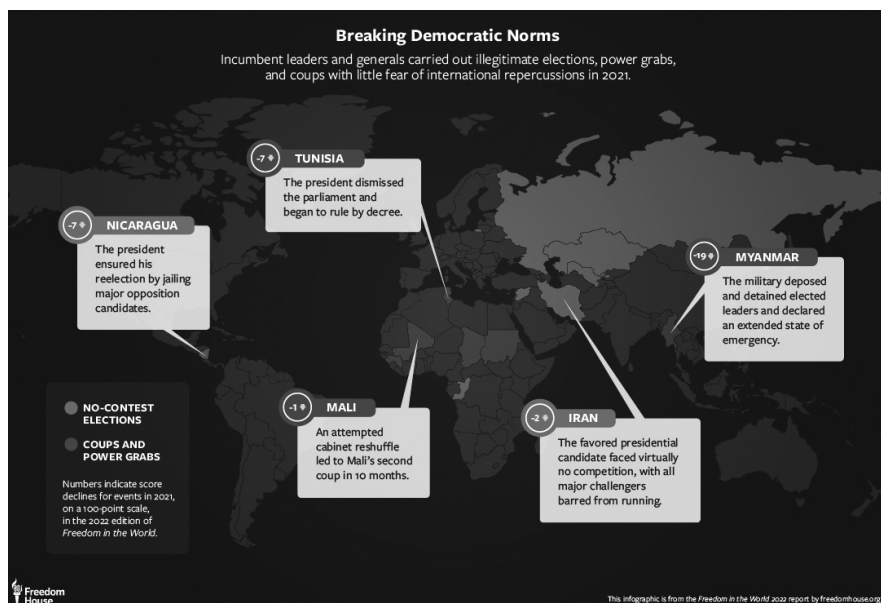
The November 2021 presidential election in Nicaragua was similarly uncompetitive. President Daniel Ortega’s authoritarian government refused to implement electoral reforms recommended by the Organization for American States, including measures that would have made the Supreme Electoral Council more independent, established more transparency in the voter-registration and vote-counting processes, and allowed independent and credible international electoral observers to monitor the polls. Instead, during the preceding year, the government passed laws designed to target the opposition, including a “foreign agents” law inspired by the Russian legislation. The regime also canceled the registration of nearly 50 organizations, effectively quashing independent civil society, and arrested at least seven potential opposition candidates on charges including treason.

The December 2021 Legislative Council elections in Hong Kong underscored Beijing’s success in dismantling the territory’s semidemocratic institutions. Like Putin and Ortega, the CCP and its allies in the Hong Kong government laid the groundwork for a tightly controlled process, enacting an electoral “reform” that sharply diminished direct suffrage and allowed authorities to exclude candidates based on political criteria, arresting and detaining opposition leaders under the draconian National Security Law, and forcing independent media outlets to shut down. It therefore surprised no one when pro-Beijing candidates dominated the new legislature, despite a long history of robust voter support for prodemocracy candidates.

A PROLIFERATION OF COUPS AND POWER GRABS

In another sign that international deterrents against antidemocratic behavior are losing force, coups were more common in 2021 than in any of the previous 10 years. The first took place in February in Myanmar, just before a new parliament was due to be sworn in following flawed yet credible November 2020 elections in which the military’s preferred party was soundly defeated. The military, which had continued to play a significant role in politics under the 2008 constitution it drafted, declared that fraud had rendered the elections invalid, and installed commander in chief Min Aung Hlaing as acting president. An initial one-year state of emergency has since been extended by two additional years. Civilian political leaders have been arrested en masse, over a thousand people have been killed as security forces crack down on prodemocracy protests, and thousands of others have been thrown in jail and tortured. The military authorities imposed curfews, repeatedly shut down the internet, raided universities, and searched for human rights defenders and prodemocracy activists to arrest. As a result of these developments, Myanmar experienced the world’s largest contraction in freedom last year.

In Sudan, weeks before the transitional government was scheduled to come under full civilian control after a 2019 coup, the military seized power in October 2021 and declared a state of emergency. Though civilian prime minister Abdalla Hamdok was later reinstated, the military retained control over the government and suggested that elections would not be held until 2023. Massive protests against the coup and the terms of Hamdok’s reinstatement have continued, and a violent response by security forces has killed scores of people. Under pressure from political groups and ordinary citizens who saw his participation as a surrender to the military, Hamdok resigned in early January, leaving the government in the control of the armed forces.



West Africa, until recently a region characterized by democratic gains, suffered further setbacks in 2021. The leaders of a September coup in Guinea claimed to be upholding democratic principles, as they deposed President Alpha Condé after he amended the constitution to run for a third term the previous year. But with Guineans left under the rule of entirely unelected officials, political rights declined, and the country dropped from Partly Free to Not Free status. Mali experienced its second military coup in less than a year in May 2021, after the transitional president and prime minister attempted to form a new government that excluded key military officers. Meanwhile in Chad, already an authoritarian state, the military intervened after the April 2021 death of longtime president Idriss Déby Itno and installed his son as the new leader.

Some power grabs during the year were carried out by incumbent civilian leaders rather than the military. In 2014, Tunisia had become the only country to emerge from the Arab Spring with a Free designation, casting off its dictatorship and building a promising democracy. Yet it plunged to Partly Free status in 2021 after President Kaïs Saïed, spurred by protests against the faltering economy and surging coronavirus cases, unilaterally dismissed the prime minister and indefinitely suspended the parliament in July in order to rule by decree. Turning his back on democratic norms, Saïed further expanded his executive authority in September, including by disregarding certain parts of the constitution. Although greater international support might have bolstered the efforts of the Tunisian people to secure their freedoms in the years since 2014, the world's democracies largely ignored the warning signs and failed to make the country a priority as it descended into crisis.

THE ROT WITHIN DEMOCRACIES

As authoritarians continue to extend their reach, often facing little more than rhetorical denunciations from governments that declare their support for human rights, there is increasing evidence of homegrown illiberal streaks within democracies. Undemocratic leaders and their supporters in democratic environments have worked to reshape or manipulate

political systems, in part by playing on voters' fears of change in their way of life and by highlighting the very real failures of their predecessors. They have promoted the idea that, once in power, their responsibility is only to their own demographic or partisan base, disregarding other interests and segments of society and warping the institutions in their care so as to prolong their rule. Along the way, the democratic principles of pluralism, equality, and accountability—as well as basic stewardship and public service—have been lost, endangering the rights and well-being of all residents.

In a curious contrast to authoritarian regimes' attempts to impose a façade of electoral credibility, leaders who fear losing power in a democratic system have taken to sowing distrust in elections. The assault on the US Capitol was the culmination of a months-long campaign by outgoing president Donald Trump to cast Joe Biden's victory as illegitimate and fraudulent. Although Trump allies have spread false and conflicting theories that the attackers were acting spontaneously or were deliberately provoked by Trump's enemies, investigators have revealed a well-organized effort to block the certification of election results that involved dozens of state and local officials from the Republican Party and was promoted by the then president himself. Though the insurrection was ultimately unsuccessful and a peaceful transfer of power took place, the same forces continue to exert significant influence on the US political system. Many of the prominent Republicans who had initially condemned the events of January 6 went silent or aligned their remarks with Trump's over the subsequent weeks, while those who refused to display loyalty to the former leader faced political marginalization, severe intraparty pressure, and outright threats of violence.

Trump and his supporters have continued to push the message that fraud tipped the balance toward Biden in the 2020 election, despite multiple recounts and consistent court rulings against all claims of widespread fraud. Far from a good-faith effort to uncover abuse, the stolen-election lie is undermining public confidence in the US electoral system ahead of the 2022 midterm and 2024 general elections, which are expected to be close contests for control of the legislative and executive branches. The trend is especially dangerous in the US context, where state legislatures, particularly those dominated by Republican leaders, have considerable leeway to declare that irregularities took place in the voting process.

In fact, by December 2021, 17 states had passed legislation that threatened the integrity of elections and election administration, and hundreds of additional such bills were introduced across 24 states. Intimidation or violence by nonstate actors, including Trump supporters, poses another risk to the forthcoming elections. Already, election administrators have resigned in unprecedented numbers amid a rise in threats and harassment.

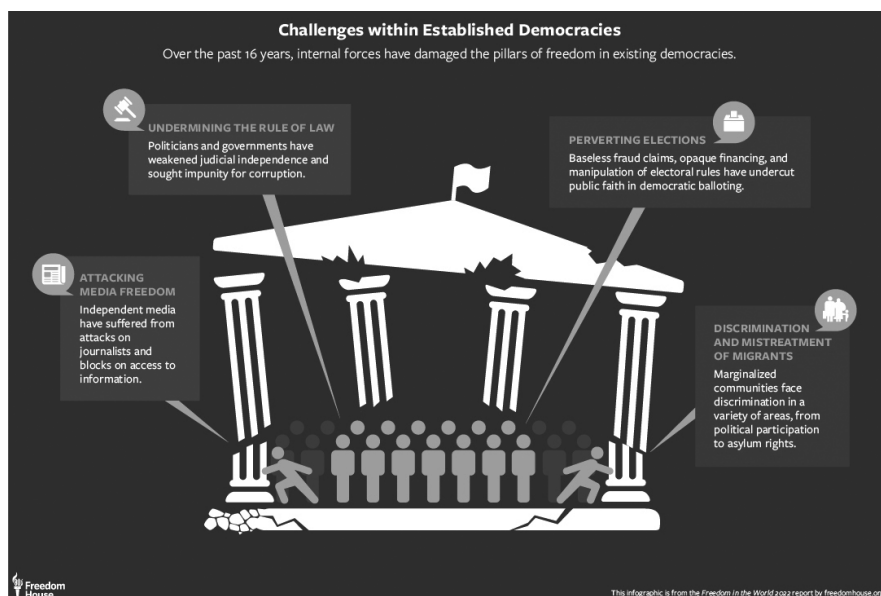
As Brazil prepares for its October 2022 general elections, President Jair Bolsonaro has echoed Trump by preemptively claiming that the vote will be fraudulent. Having pinned his allegations on a groundless assertion that the electronic voting system is unreliable, Bolsonaro pushed for a constitutional amendment, ultimately rejected, that would have provided printed ballot receipts. Experts noted that the measure would have given credence to unsubstantiated claims of fraud and could actually increase the potential for voter intimidation and vote buying. Bolsonaro also alleged electoral fraud years ago, while still on the margins of Brazilian politics. Today such claims have become normalized.

Elsewhere in the Americas, El Salvador's decline has accelerated since President Nayib Bukele took office in 2019. After his allies won a legislative supermajority in 2021, Bukele's government has systematically undermined democratic institutions intended to check executive power. Authorities have abused anticorruption mechanisms to arrest former officials without credible evidence, and the government has attempted to dismantle public oversight systems. Bukele used his control over the legislature to replace magistrates from the Constitutional Chamber of the Supreme Court and nearly 200 other judges

across the country. The altered court then overturned a constitutional ban on presidential reelection, allowing Bukele to run in future contests. The government's proposed foreign agents law, which could severely constrain civil society, is similar to the new law in increasingly autocratic Nicaragua.

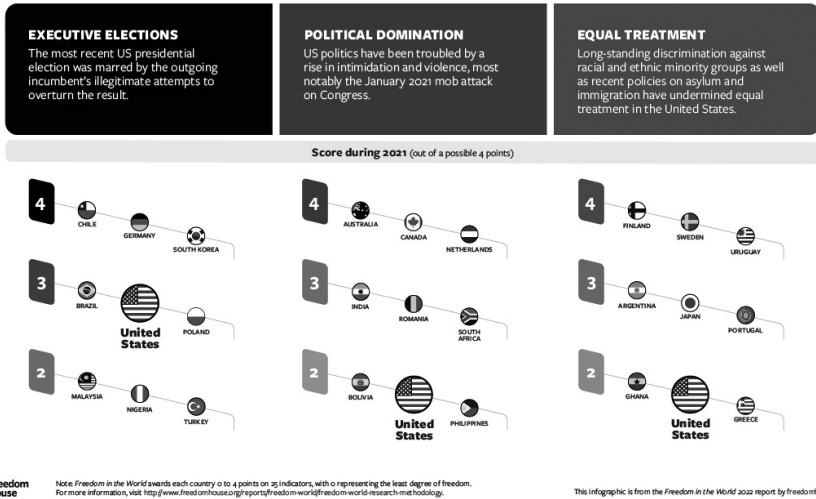
Democracies in other parts of the world also continue to decline under the influence of freely elected leaders who have embraced illiberal politics. India, which has suffered a series of setbacks to political rights and civil liberties since Prime Minister Narendra Modi's reelection in 2019, showed no signs of reversing course, as notable opposition figures faced arrest and surveillance. Since taking power in 2015, Poland's Law and Justice party has undermined the rule of law by packing the country's top courts with loyalists who reliably uphold its policies and decisions. In October and November 2021, the Polish constitutional court threatened to further subvert international and regional legal standards by ruling that it can ignore European Union (EU) legislation and judgments.

Authoritarian powers have taken careful note of fractures in and among democracies and moved to widen them whenever possible. During 2021, the regime in Belarus facilitated the passage of thousands of migrants—the vast majority of them from Iraq—into Minsk and then to the borders of EU countries that had given shelter to exiled Belarusian opposition figures. The mass arrivals led to militarized responses, illegal pushbacks, and violations of asylum procedures by the governments of Poland, Latvia, and Lithuania. Thousands of migrants became stranded in the border area in harsh weather conditions, contributing to a number of deaths. The Polish government took measures to legalize its pushbacks, in violation of both EU and international law. At the end of the year, the European Commission proposed new rules that would allow longer processing times for asylum applications, which could lead to prolonged detention and other rights violations. In short, the pressure applied by Minsk encouraged democracies to act in contradiction with their values, opening them to charges of hypocrisy and driving a wedge between critics and defenders of the response. Other regimes on Europe's periphery, including



The United States and Its Peers

The United States has fallen below its traditional peers on key democratic indicators, including executive elections, freedom from improper political influence, and equal treatment of minority groups.



those of Morocco and Turkey, have used similar tactics to extract concessions and break democratic solidarity in the EU. But their efforts would have been futile if not for existing weaknesses in the democracies themselves.

ANTIDEMOCRATIC ALLIANCES

Authoritarian leaders are no longer isolated holdouts in a democratizing world. Instead they are actively collaborating with one another to spread new forms of repression and rebuff democratic pressure. While many democracies have continued to respond to sham elections and coups with measures like sanctions and the withholding of aid, the impact has been diluted by autocratic alliances.

In some cases the authoritarian assistance is largely economic. For example, the governments of Russia, China, and Turkey have provided trade and investment to the Venezuelan regime, offsetting sanctions imposed by democracies for its rigged elections and crack-downs on the opposition. But in other instances the support is much more direct: During the 2020 protests against fraudulent elections in Belarus, the Kremlin dispatched Russian propagandists to take the place of striking Belarusian journalists, and offered its security forces to bolster the Belarusian authorities' violent dispersal of demonstrations. Election observers from Russia had already deemed the vote credible, despite the jailing of opposition candidates and severe censorship campaigns against independent media. Meanwhile, allies like the Cuban government defended the Belarusian regime at the UN Human Rights Council, where 68 percent of current members are Partly Free or Not Free countries.

Similarly, despite the egregious violence associated with the 2021 military coup in Myanmar, Beijing prevented the UN Security Council from issuing a stronger condemnation of the power grab, and Moscow has sought to strengthen economic ties with the junta. The coup leaders in Sudan have also been able to rely on their autocratic friends for diplomatic and other support, with Chinese and Russian envoys working to water down the response at the United Nations.

In addition to pushing back against international pressure, authoritarian governments have cooperated when using transnational repression to silence their own exiled dissidents through tools like detention, rendition, Interpol abuse, coercion by proxy, and digital surveillance. While threats or physical attacks against dissidents living in the United States and Europe have received the most attention, the majority of transnational repression cases involve collaboration between the host and origin states. Security agencies often work together to detain and render targeted activists, and courts and migration agencies fulfill requests to extradite or expel them. For instance, there is evidence that the Kyrgyzstani government assisted Turkish intelligence services in the May 2021 kidnapping of Orhan İnandı, which delivered him to Turkey to face terrorism charges. İnandı had founded a school network in Kyrgyzstan that was aligned with the Gülen movement, which Turkish president Recep Tayyip Erdoğan blames for a 2016 coup attempt.

Other types of collaboration between authoritarians can put entire ethnic groups at risk. Turkey was once a haven for China's persecuted Uyghur population, whose language and culture are akin to those of the Turkish people. But Erdoğan, faced with an ailing economy and estrangement from Turkey's traditional democratic allies, has increasingly shifted his stance to meet Beijing's demands. Turkish authorities have made it harder for Uyghurs to obtain and keep permanent residence permits, and several hundred of them have been detained in deportation centers.

Antidemocratic figures within more democratic countries have begun to engage in international cooperation as well. Eduardo Bolsonaro, the son of Brazil's president, is a member of a far-right nationalist group founded by Steve Bannon, an adviser to former US president Trump. Far-right US television personality Tucker Carlson spent a week in Hungary in 2021, warmly introducing his millions of American viewers to Prime Minister Viktor Orbán's xenophobic propaganda, contempt for democratic principles, and rejection of international human rights standards. Meanwhile, Orbán has lent support to multiple European counterparts who share his views, shielding them from possible EU sanctions. The beneficiaries include Milorad Dodik, a Serb nationalist leader in Bosnia and Herzegovina who has suppressed domestic dissent and pushed for the Serb-dominated Republika Srpska to secede from the multiethnic Bosnian state.

FAILURE IN AFGHANISTAN

The rapid US military withdrawal from Afghanistan—negotiated between the Taliban and the Trump administration without the involvement of the Afghan government, and completed by the Biden administration in 2021—dealt a powerful blow to international confidence in the ability of democracies to protect their partners and help foster free societies in difficult terrain.

The 20-year US engagement in Afghanistan started as a joint effort by the United States and its allies to destroy the safe haven that the Taliban had provided for the organizers of the September 11, 2001, terrorist attacks. Over the years, Washington both pursued its narrowly defined security interests in the country and committed billions of dollars and significant effort to supporting local civil society and the development of a democratic Afghan state. While many Afghans experienced real change and felt hope for a better future, the Afghan government and the United States consistently failed to address worsening corruption and governance problems. Finally, the ill-planned withdrawal triggered a rapid collapse of the institutions that had been built and a complete takeover by the Taliban.

The debacle has renewed false impressions within existing democracies that supporting democracy abroad is a doomed enterprise, that it involves imposing "Western" ideals on unwilling populations, that it requires the open-ended use of military force, or that it is a disingenuous pretext for the use of military force. For those still struggling for freedom in

repressive environments, the US withdrawal may be seen as a warning that their democratic partners could abandon them at any moment.

Meanwhile, thousands of Afghan people have rushed to flee the country since the Taliban eliminated representative rule and nullified the constitutional rights of women and ethnic and religious minority groups. Many ethnic Hazara communities have been evicted from their land, and Taliban forces have hunted down, abducted, or executed scores of police and intelligence officers from the former government. Human rights defenders and independent journalists have faced persecution as their hard-won achievements are rapidly reversed. The United States and most other established democracies have compounded their earlier failures by being slow or reluctant to assist those seeking refuge, many of whom remain stuck in Afghanistan or in nearby countries where they lack basic rights protections.

CAUSE FOR HOPE

Even in a year dominated by disturbing setbacks to democracy, people around the world demonstrated its continued appeal and capacity for renewal.

Ecuador's democracy was trampled for a decade by former president Rafael Correa, who stepped aside for handpicked successor Lenin Moreno in 2017 on the assumption that he would retain control through the ruling party. But Moreno struck out on his own and reformed parts of the system, supporting a new judicial appointment process that helped weed out partisan judges, reducing state control over the media, and pardoning human rights activists so that they could continue their work. Ecuador has consequently seen a steady expansion of freedom over the past five years, moving from Partly Free to Free this year after credible general elections resulted in a peaceful transfer of power to an opposition presidential candidate. These improvements have persisted despite Correa's continued efforts to exert influence from outside government.

In Chile, already one of the better-performing democracies in the Americas, the political system responded to massive protests in 2019 by authorizing the election of an inclusive constitutional convention that will now work to replace the 1980 constitution—originally



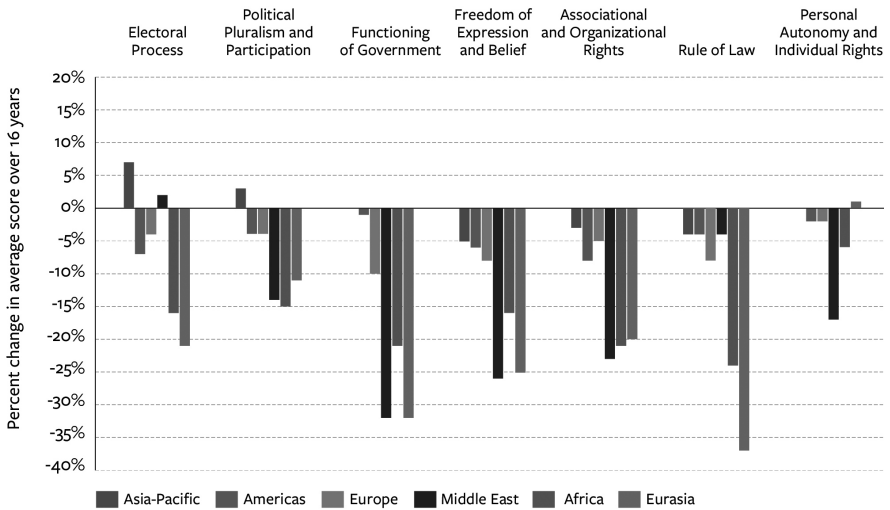
inherited from the dictatorship of Augusto Pinochet—and address deep socioeconomic disparities. In Montenegro, an opposition coalition came to power in late 2020, ending three decades of rule by the Democratic Party of Socialists. The new government imposed fewer obstacles to political competition and gave the public broadcaster more independence, and its narrow parliamentary majority allowed the legislature to provide greater oversight of the executive branch.

People in Côte d'Ivoire have proven their desire to steer their nation toward full democracy since the end of an armed conflict in 2011. While the country experienced a vast expansion of freedom over the past 10 years, its democratic momentum faltered in 2020, as President Alassane Ouattara circumvented constitutional term limits and secured a third term in voting that was marred by candidate disqualifications, an opposition boycott, and widespread political violence. But parliamentary elections in March 2021 featured significant improvements, with several opposition candidates freely registering and participating. The elections were less affected by violence, and Ivorians had more freedom to express themselves and participate in public assemblies.

In Myanmar, despite the military's well-earned reputation for brutal violence, the February 2021 coup immediately sparked widespread resistance across the country. By the end of the year, protests were continuing even in the face of live ammunition and systematic reprisals, and a civil disobedience movement—including a general strike—had brought the economy and public services almost to a standstill, with participation by health workers, civil servants, educators, bank workers, and many more. Civilians have also boycotted military-affiliated products and services, from the national lottery to the electrical power utility. In December, people across the country engaged in a silent strike against military rule, closing down shops and staying off the streets. The resistance to the military regime has denied it legitimacy and crippled its ability to function as a government, reflecting both the people's commitment to democracy and the power it gives them to shape events.

Pushback against CCP influence is gaining traction. During 2021, democratic governments and private actors devoted greater attention to the moral, human rights, and national security implications of integration with a regime in China that has become more repressive at home and more aggressive abroad over the past decade. Lithuania was the first country to announce a diplomatic boycott of the 2022 Winter Olympics in Beijing, setting the stage for other countries including the United States, the United Kingdom, Canada, and Australia to take a stand against CCP abuses in Xinjiang and elsewhere. Separately, sacrificing significant revenue to defend human rights principles, the Women's Tennis Association suspended all tournaments in China after player Peng Shuai was forced to recant her allegations of sexual assault by a high-ranking CCP official. And in a variety of open societies, media outlets have been cutting ties with Chinese state media services, regulators have scrutinized rule violations by such services, and scholars have spoken out against pressure to self-censor on China-related topics.

The migration and refugee crisis that has so preoccupied many democracies is an outgrowth of the authoritarian expansion of the past 16 years. But in another sense it is an emphatic endorsement of democracy as the preferred system of government, as millions of people flee repressive regimes or antidemocratic militants and seek to live in free societies. The rate of migration out of Hong Kong spiked following the Beijing-backed authorities' crackdown on prodemocracy protests. Tens of thousands of people have fled Nicaragua since 2018 demonstrations were brutally suppressed, as have millions of Venezuelans suffering under the regime of Nicolás Maduro. Rather than attempting to deter migrants and refugees with daunting border infrastructure and harsh asylum systems, governments in democratic destination countries should recognize their shared interest in the struggle for freedom.



BUILDING A MORE DEMOCRATIC WORLD

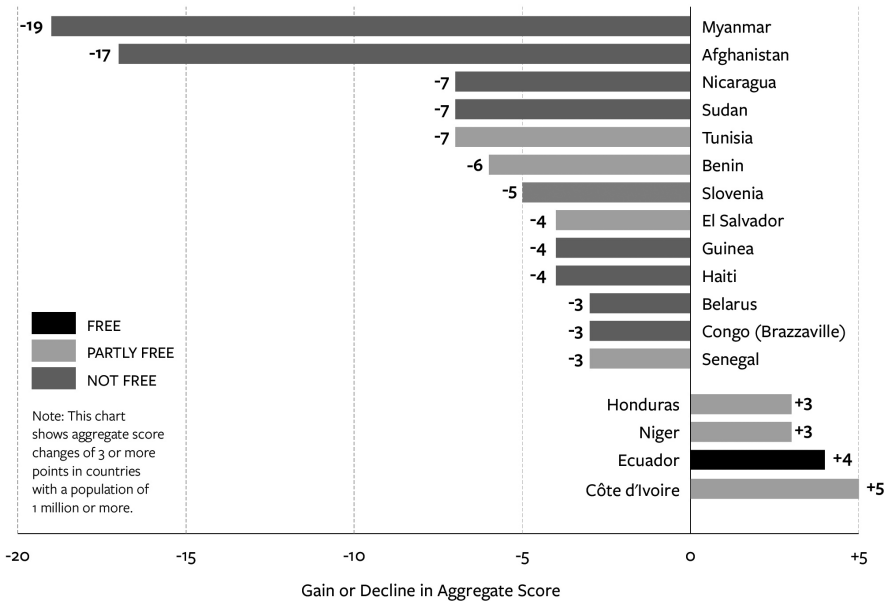
The displacement of global democratic norms by authoritarian powers and other antidemocratic actors can still be reversed. But success will require a bold, sustained response that establishes support for democracy and countering authoritarianism at the heart of each democracy's foreign policy, national security strategy, and domestic reform agenda. It must also entail the participation of both governments and an engaged and active citizenry. Rather than longing for a bygone era of expanding freedom, democratic leaders need to confront the problems caused by their past mistakes and address weaknesses in the international system that authoritarians have been able to exploit.

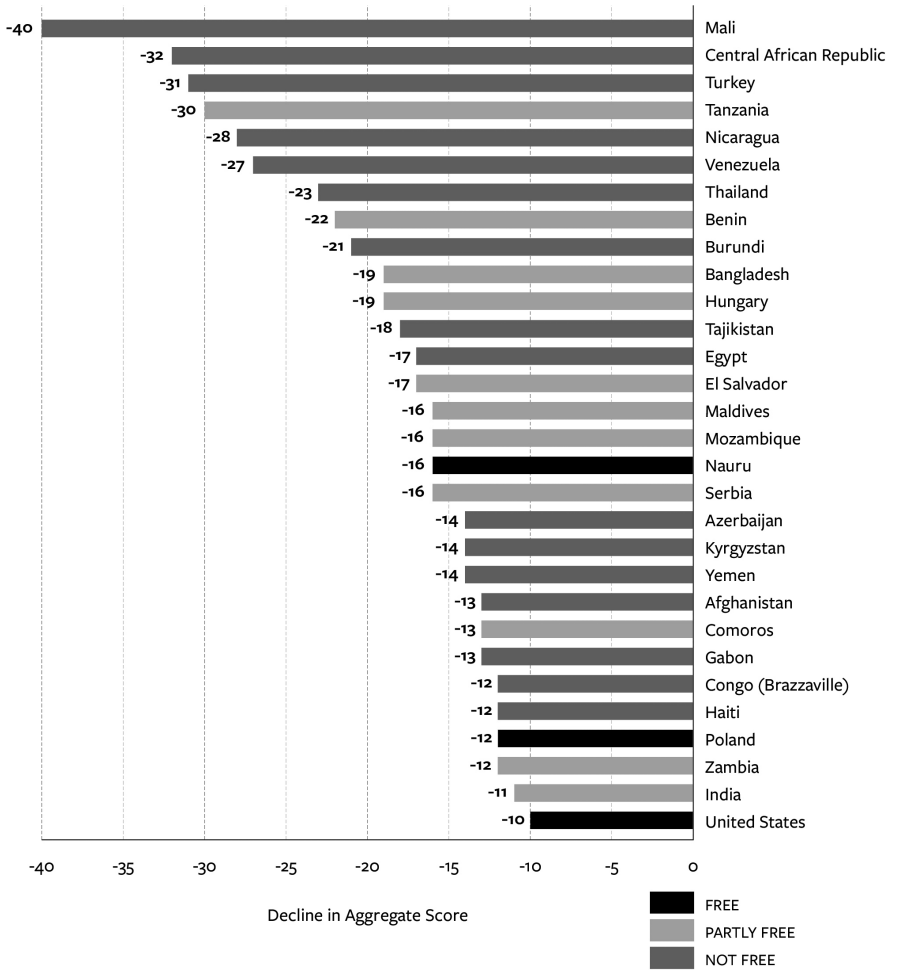
Effective democracy support should not be subordinated to a free country's short-term economic, military, or geopolitical interests, all of which would actually be best served by a long-term rollback of authoritarian practices. Nor can democracy be imposed by forces outside a given country. International assistance and solidarity are crucial to countering the tactical advantages and many forms of collaboration enjoyed by autocrats. At the same time, it is local and diasporic human rights defenders, grassroots civil society organizations, and empowered electorates that must chart the course and ultimately determine their own country's future.

In the drive to restore democratic values and human rights standards to their proper place in the international system, President Biden's Summit for Democracy—held in December 2021 with 110 invited governments, to be followed by a year of action—represents a promising first step. Those governments must now go beyond rhetorical commitments and seek civil society input on implementation.

Developing a set of coordinated international policies grounded in democratic principles, while strengthening their own domestic governance systems, will ultimately make all participating countries safer, more prosperous, and more just. Democratic nations share interests in fair trade and security, and since they are more likely to adhere to agreements and norms, they make more reliable partners in both fields. Their institutional and popular support for accountability and the rule of law also make them more predictable and rewarding environments for public and private investment. No democracy is perfect, but they all benefit from the basic ability to adapt to changing circumstances, make policy corrections, and bring in fresh leadership—with minimal disruption to the system as a whole.

Despite the clear arguments in favor of democracy, the past 16 years have shown in stark terms that neither the prevalence of democratic ideas around the world nor the certainty of global progress toward democratic governance can be taken for granted. Autocrats remain determined to keep and expand their power, and they will continue to make gains so long as democracy's proponents let them. It is time for everyone who understands the stakes to rebuild and improve upon the international norms that democracies long championed, and push the reprehensible practices of authoritarians back to the margins of human experience where they belong.





Improving Transparency, Empowering Citizens

Ecuador's Fundación Ciudadanía y Desarrollo

In a year when 60 countries suffered democratic declines and 25 made gains, Ecuador beat the odds.

In a year when 60 countries suffered democratic declines and 25 made gains, Ecuador beat the odds: it was one of just two nations that not only made progress, but also ascended from Partly Free to Free status in *Freedom in the World 2022*. Mauricio Alarcón Salvador, executive director of the Ecuadorian prodemocracy organization Fundación Ciudadanía y Desarrollo (Citizenship and Development Foundation, or FCD), is determined to keep it that way.

Since 2009, Mauricio and his colleagues at FCD have fought to expose corruption in the Ecuadorian government. They believe that greater visibility into the state's workings and the impact of voting would allay public skepticism and increase voter turnout, ultimately creating a freer and fairer country for all.

Although Ecuador has been considered a democratic republic since the 1980s, its people have weathered political volatility, ethnic discrimination, and economic inequality. More recently, as president from 2007 to 2017, Rafael Correa oversaw attacks on judicial independence, press freedom, and other civil liberties.

Civic activism is no casual pastime in Latin America, which was recently named the most dangerous region of the world for human rights defenders. But when incumbent president Lenín Moreno—who had eased Correa's restrictions since 2017 despite having served as his vice president—announced that he would not be seeking reelection in 2021, Mauricio knew that FCD could not miss the opportunity to push Ecuador even further toward a more stable and inclusive democracy.

The stakes could hardly have been higher in 2021. One leading candidate, Andrés Arauz, was allied with Correa, while the second, longtime opposition figure Guillermo Lasso, represented another step in the transition away from Correa's repressive legacy. In an interview with Freedom House, Mauricio called the election a choice between “authoritarianism and restriction of rights, and the alternative in favor of democracy and the rule of law.”

Knowing this could be the best opportunity for a long time to shift the tides of history and make a lasting impact on their country, FCD launched an all-out campaign to help Ecuadorians understand the choice in front of them, turn out young voters, and bring together young activists and community leaders to create policy proposals for candidates. During the vote itself, FCD published easy-to-understand explanations of election rules, making the process more accessible.

Separately, on the national stage, a coalition of political adversaries banded together to support Lasso, who went on to secure the presidency with 52.36 percent of the final vote. But while democracy won the day in Ecuador, the story is far from over.

Corruption and weak rule of law are the two most significant long-term challenges facing Ecuador's democracy, Mauricio told Freedom House, and the activists at FCD are more determined and motivated than ever to continue the struggle. They have worked alongside Transparency International toward the implementation of government-wide integrity and transparency regulations, trained officials to uphold democratic standards, and empowered citizens by teaching them how to thwart corrupt authorities' attempts at antidemocratic chicanery.

Since its inception, FCD has striven to build trust between citizens and their government, explicitly aiming to lay a foundation for future generations of democracy activists and engaged voters in Ecuador. Its spirit of cooperation and solidarity is vital to human rights efforts around the world—particularly as authoritarians increasingly support one another.

As Mauricio put it, "The most important thing is that we never lose sight of the importance of empathy, of supporting our colleagues, of teaming up and joining forces to face problems together."

FREEDOM IN THE WORLD 2022

A world map illustrating the status of freedom in 2022. The map is color-coded according to the following legend:

- FREE** (dark gray)
- PARTLY FREE** (medium gray)
- NOT FREE** (light gray)

The map shows that North America, Western Europe, and several countries in South America and Asia are categorized as 'FREE'. Russia, China, and several countries in Africa and Asia are categorized as 'NOT FREE'. Many countries in Africa, Asia, and South America are categorized as 'PARTLY FREE'.



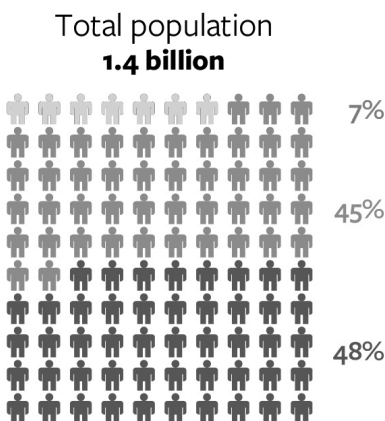


Regional Trends

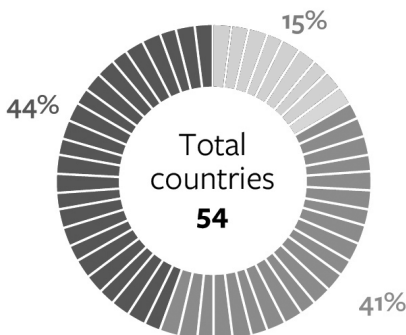
AFRICA

Citizens mobilize for change amid coups, crackdowns on dissent

AFRICA: STATUS BY POPULATION



AFRICA: STATUS BY COUNTRY



Political crises and power grabs further compromised the struggle for democratic progress in Africa, most notably through the resurgence in military coups that affected Chad, Guinea, Mali, and Sudan. An attempted coup in Niger nearly sabotaged that country’s first-ever democratic transfer of power, which ultimately took place after the alleged perpetrators were arrested.

In a number of other countries, opposition figures faced increased obstacles as governments deployed a slew of new “antiterrorist” measures that effectively suppressed dissent. In Ethiopia, a state of emergency granted broad powers to the security forces, allowing the arbitrary detention of anyone suspected of cooperating with terrorist groups. Members of the ethnic Tigrayan minority, whose home region is at the center of the country’s ongoing civil conflict, were often targeted. Democracy in Benin continued to decline as opposition presidential contenders Joel Aivo and Reckya Madougou were sentenced to lengthy prison terms on charges of financing terrorism. Such politicized prosecutions and other legal tactics were used to prevent a total of 17 out of 20 candidates from running in the country’s presidential election. In Tanzania, where Vice President Samia Suluhu Hassan rose to the presidency after years of crackdowns on the media and civil society under her late predecessor, hopes for reform were dashed as opposition leader Freeman Mbowe and several of his allies were detained and charged with conspiracy to commit terrorism.

Similar charges of terrorism and “incitement” were used to undermine press freedom across North Africa, with multiple Algerian and Egyptian journalists detained for their

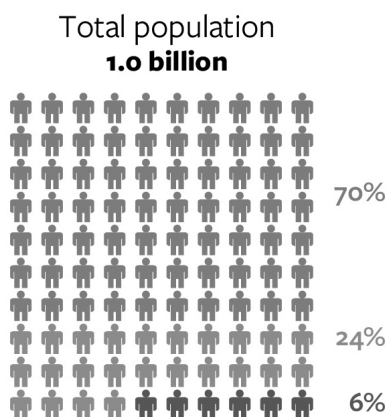
reporting. In Senegal, a new antiterrorism law broadly defined “disturbing public order” as a form of terrorism, impeding freedom of assembly for ordinary citizens. The space for critical speech significantly diminished during the year due to restrictions on the internet and social media. At least 10 African countries faced internet shutdowns or social media blocks in 2021, including in Uganda ahead of its general elections, in parts of Ethiopia where the conflict has reportedly led to severe human rights abuses, and in Eswatini and Sudan, which experienced large prodemocracy protests.

Despite these headwinds, citizens across Africa repeatedly seized on elections as an opportunity for democratic change. The territory of Somaliland held long-delayed parliamentary and local elections that were deemed relatively free and fair, resulting in a peaceful transfer of power from the ruling party to an opposition coalition. In Côte d’Ivoire, the parliamentary elections represented a marked improvement over the 2020 presidential contest, with greater opposition participation and less violence. South African voters supported more opposition candidates in recent municipal elections, registering their discontent with corruption and poor economic performance. And Zambians shocked the continent by turning out in huge numbers to vault opposition leader Hakainde Hichilema to the presidency. In doing so they overcame major barriers intended to benefit the ruling party, including social media blackouts, assembly restrictions attributed to COVID-19, and violence by security forces.

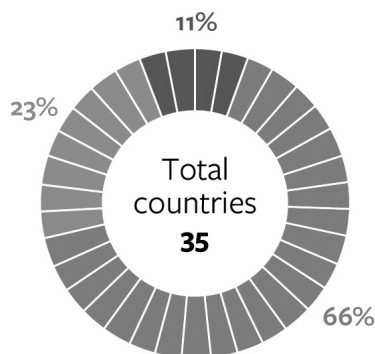
AMERICAS

As some cast ballots for new leaders, others vote with their feet

AMERICAS: STATUS BY POPULATION



AMERICAS: STATUS BY COUNTRY



Elections in the Americas served as an inflection point, with some countries adopting electoral reforms that enabled changes in leadership, and others suffering as incumbents sought to entrench themselves in office. In many cases, residents of states where democracy was lacking chose to migrate abroad in search of better conditions.

A 2019 special election in Honduras increased the participation of opposition parties in election management, and the so-called Project Identify Yourself improved voter registration systems. In 2021, these reforms plus a large voter turnout resulted in the defeat of President Juan Orlando Hernández, who had been implicated in corruption and drug-trafficking

scandals. Ecuador also strengthened its electoral framework in the years leading up to the 2021 election, passing reforms that allowed minority parties to gain seats in the legislature and applying recommendations from the Organization of American States. The well-organized contest contributed to the country's status change from Partly Free to Free.

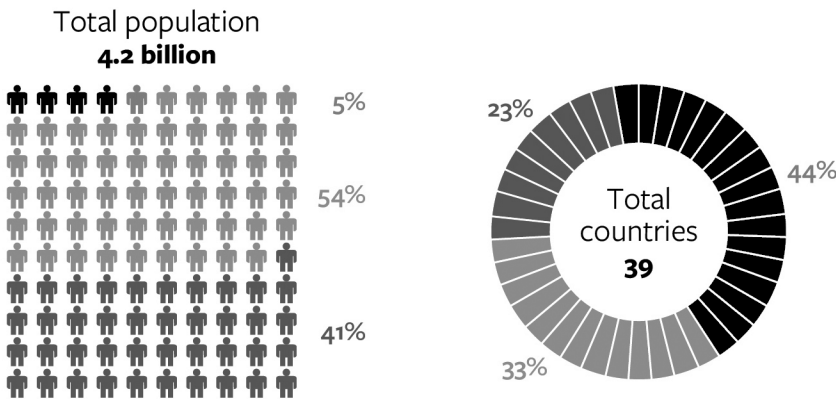
Meanwhile, authoritarian leader Daniel Ortega secured a new term in Nicaragua's presidential election by overseeing the arbitrary arrests of opposition candidates, Venezuela's Nicolás Maduro continued to prioritize his grip on power over the population's socioeconomic well-being, and Cuban security forces violently repressed protests calling for democratic freedoms. Unsurprisingly, all three countries generated large numbers of migrants and political exiles during the year, as did Haiti, where President Jovenel Moïse's assassination underscored long-standing problems including a broken electoral system, corruption, and organized crime. These migrants have reported facing discrimination and other abuses during their journeys and in destination countries, but they continue to leave as governance in their home countries deteriorates.

ASIA-PACIFIC

The walls close in on political opposition and free speech

ASIA-PACIFIC: STATUS BY POPULATION

ASIA-PACIFIC: STATUS BY COUNTRY



Political rights and civil liberties declined across the region as authoritarian forces moved to consolidate their power. The trend was most dramatic in Afghanistan and Myanmar, where elected civilian leaders were forced from office by the Taliban and the military, respectively.

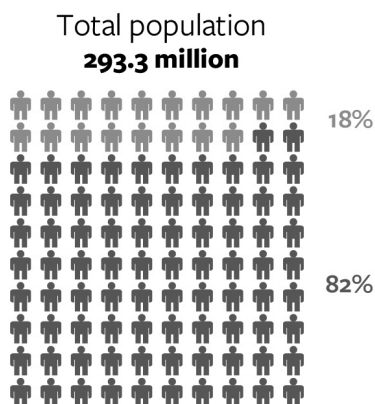
The space for opposition forces to operate narrowed in many other settings. In Hong Kong, prominent prodemocracy politicians were arrested at the beginning of the year for participating in primary elections designed to unify the democratic opposition, then remained behind bars during the tightly controlled Legislative Council balloting in December. India's ruling Bharatiya Janata Party also tried to limit the opposition's ability to compete through various methods, including by pursuing selective corruption investigations. A small but notable exception in the Asia-Pacific region was Samoa, where an opposition party won enough seats to form a government for the first time in four decades, and the courts compelled the ruling party to accept defeat.

Crackdowns on political dissent in Asia also affected journalists and civil society movements, particularly in countries whose democratic institutions were already under attack. Singaporean authorities forced one of the city-state's few remaining independent news outlets to shut down by suspending its license. In Thailand, where a prodemocracy protest movement grew more active in the middle of the year, authorities issued a broadly worded regulation to expand their ability to prosecute individuals for distributing news deemed to incite fear in the public. In China, one of the world's most restrictive media environments, journalists faced heightened scrutiny and rigorous political indoctrination when attempting to renew their press licenses, and even individuals who engaged in solitary forms of protest were punished with prison sentences.

EURASIA

Democracy stalls in the Kremlin's shadow

EURASIA: STATUS BY POPULATION



EURASIA: STATUS BY COUNTRY



Democratic forces struggled in 2021 as Vladimir Putin's regime in Russia exerted its authoritarian influence throughout Eurasia. Within its borders, the Russian government used expanded "foreign agent" laws to sideline human rights groups and activists, culminating in an order to close the widely respected organization Memorial. The regime placed its neighbors—and much of the world—on alert at year's end by amassing troops near Ukraine's eastern border. Meanwhile, despite improvements in freedom of assembly, domestic politics in Ukraine were bogged down by stalled efforts to uproot corruption and the controversial prosecution of former president Petro Poroshenko.

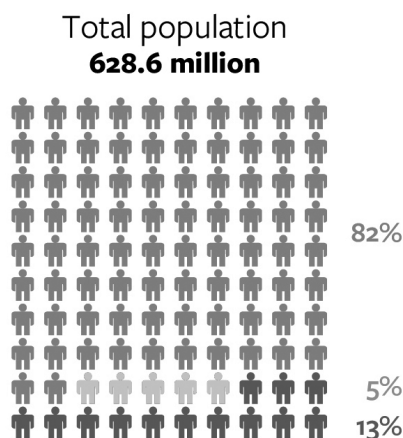
From Kyrgyzstan to Belarus, incumbent leaders turned to the Kremlin as a model for authoritarian laws and tactics. Kyrgyzstan's government enacted legislation to impose onerous restrictions on nongovernmental organizations that receive funding from abroad. The country's parliamentary elections were also marred by accusations of fraud and inadequate adjudication of disputes, exacerbating a rapid deterioration in political rights. In Belarus, authoritarian president Alyaksandr Lukashenka sought greater integration with Russia and oversaw the liquidation of more than 200 civil society organizations as he attempted to extinguish political opposition and independent civic activism.

Elsewhere in the region, incremental progress was offset by democratic erosion or dismal repression. Armenia, still reeling in the aftermath of its 2020 war with Azerbaijan, approved reforms to the electoral code that will improve transparency and fairness. The political system appeared to stabilize somewhat after snap parliamentary elections, though criminal cases against local opposition figures late in the year raised concerns that the country's democracy remained on shaky ground. Freedom in Georgia, one of the top-performing countries in Eurasia, suffered as journalists, LGBT+ people, and opposition supporters faced growing intimidation and violence. In Turkmenistan, the autocratic government continued to completely deny the presence of COVID-19 in the country—part of a broader lack of transparency in Eurasian governments' pandemic responses.

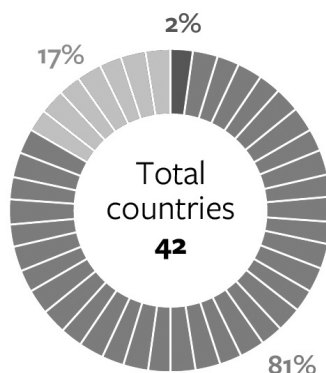
EUROPE

Open societies struggle to ward off illiberal pressure

EUROPE: STATUS BY POPULATION



EUROPE: STATUS BY COUNTRY



Although Europe remained the best-performing region in *Freedom in the World 2022*, established democracies endured a deepening crisis of faith amid a rise in illiberal practices across the European Union (EU).

In Slovenia, the government withheld funding from the independent Slovenian Press Agency and targeted the financing of nongovernmental organizations as part of a broader effort to silence its critics. In Hungary, the parliament dealt a blow to the rights of LGBT+ people by adopting legislation that bans the portrayal or promotion of homosexuality to minors in media content and schools. The law, reminiscent of similar measures in Russia, was swiftly condemned by the European Parliament and many EU member states. The Polish government continued its assault on judicial independence, in part by defying an order from the European Court of Justice to disband a flawed new disciplinary chamber in Poland's Supreme Court. The Polish constitutional court's ruling against the primacy of EU law, meanwhile, set the stage for further clashes with the European Commission.

Outside the EU, there were some examples of uneasy progress, as with the improvements under Montenegro's fragile new coalition government. On balance, however, anti-democratic forces appeared to have the upper hand. In Turkey, which once again ranked

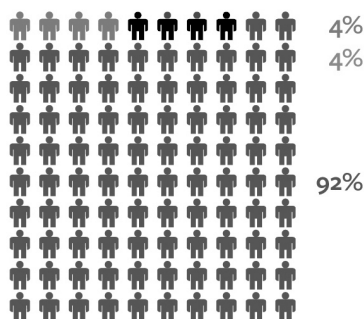
as the least free country in the region, authorities responded violently to a student protest movement centered on Boğaziçi University and separate demonstrations by advocates of equal rights for women and LGBT+ people. Ankara's undue political influence in Northern Cyprus continued to grow, and the functioning of the territory's parliament was disrupted by opposition boycotts.

MIDDLE EAST

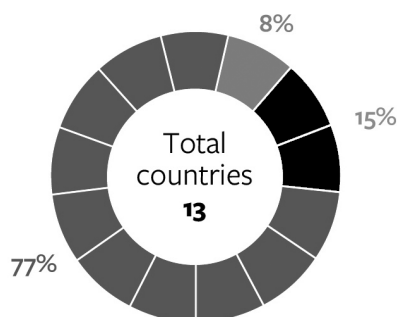
Authoritarians prevail a decade after the Arab Spring

MIDDLE EAST: STATUS BY POPULATION

Total population
262.2 million



MIDDLE EAST: STATUS BY COUNTRY

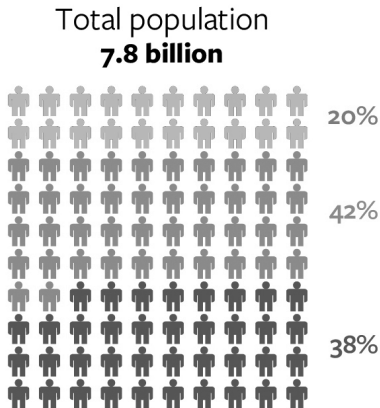


The 10-year anniversary of the Arab Spring uprisings passed quietly in 2021, with democratic progress largely stalled across an almost uniformly authoritarian Middle East.

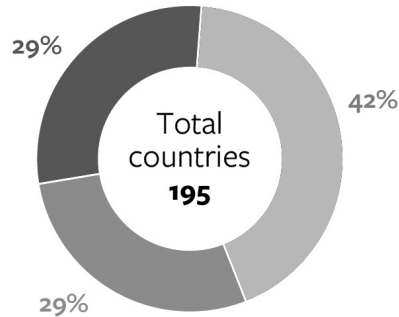
A number of highly repressive states held elections that were neither free nor fair. Iran's presidential election featured record-low turnout as voters rejected a tightly managed process in which all significant challengers to the regime-backed candidate were disqualified by the unelected Guardian Council. Syrian president Bashar al-Assad won reelection with a purported 95 percent of the vote in balloting that also lacked any meaningful competition. While Iraq's parliamentary elections were genuinely competitive and had fewer irregularities than in the past, due in part to the presence of independent observers, there were still reports of vote buying, intimidation, and media suppression. Legislative elections were held for the first time in Qatar, but the contest was highly circumscribed by the emir's government, and thousands of Qataris were excluded from voting under restrictive eligibility rules.

Already limited space for civic activism continued to shrink in the region. In the occupied West Bank, Israeli authorities designated six Palestinian human rights groups as terrorist organizations. Months earlier, protests that began in East Jerusalem in response to the displacement of Palestinian residents spread to Israeli cities and towns and touched off discriminatory police violence, vigilantism, and intercommunal strife. Though protests are infrequent in the repressive Persian Gulf monarchies, peaceful protesters in Bahrain staged a sit-in at a prison to highlight inhumane treatment and lack of medical care for detainees, and security personnel used excessive force to disperse the gathering. More positively, when Oman experienced rare demonstrations against poor economic conditions, the reaction from authorities was mild compared with past crackdowns.

WORLD: STATUS BY POPULATION



WORLD: STATUS BY COUNTRY



Economic exploitation of migrant workers and refugees continued to drag down human rights standards in the Middle East. The economic crisis in Lebanon has led to an increase in forced child labor, particularly among the Syrian refugee population, and a similar trend has been ongoing in neighboring Jordan. Exploitation is especially problematic in countries with *kafala* (sponsorship) systems that give employers undue control over migrant workers, and some governments have taken incremental steps to reform these laws. In 2021, Saudi Arabia began allowing foreign workers to leave the country without approval from their sponsors, but government approval is still required, and key categories of workers were excluded from the change.

Countries in the Spotlight

The following countries featured important developments in 2021 that affected their democratic trajectory, and deserve special scrutiny in 2022.

- **Chile:** Elections for a constitutional convention and the presidency proceeded with few problems and high levels of legitimacy, bucking a trend of polarization and gridlock that has thwarted reforms in other democracies in recent years.
- **Iran:** Hard-line candidate Ebrahim Raisi won the presidency after the unelected Guardian Council disqualified all of his major opponents, and record-low turnout signaled voters' frustration with the tightly controlled process.
- **Iraq:** Iranian political influence dwindled as pro-Iran parties with links to militia groups experienced defeats in parliamentary elections that featured fewer irregularities than past contests.
- **Myanmar:** The military seized power in a coup to prevent the sitting of a newly elected parliament after its favored party was defeated, then used lethal violence to suppress a determined prodemocracy protest movement.
- **Nicaragua:** President Daniel Ortega ensured his own reelection by escalating his government's attacks on civil society and overseeing the arrest of several opposition candidates.
- **Russia:** President Vladimir Putin's regime expanded its crackdown on political opponents and civil society organizations, thwarting any genuine competition in the September parliamentary elections.
- **Slovenia:** The country suffered a significant decline in civil liberties as Prime Minister Janez Janša's populist government increased its hostility toward civil society groups and the media and continued to undermine independent institutions and the rule of law.
- **Sudan:** A military coup blocked the country's transition to full civilian rule and democratic elections, leading the "March of Millions" movement to demand change in defiance of bloody crackdowns.
- **Thailand:** As youth-led protests calling for constitutional reform continued, the government, headed by leaders of the most recent military coup, ramped up prosecutions of demonstrators for violating lèse-majesté laws.
- **Zambia:** Highly motivated voters turned out to ensure victory for opposition presidential candidate Hakainde Hichilema, overcoming obstacles that included social media shutdowns, restrictions on movement, and political violence.

Freedom in the World 2022

Status Change Explanations

Ecuador: Ecuador's status improved from Partly Free to Free because the year's presidential and legislative elections did not suffer from the types of abuses seen in previous contests, such as the misuse of public resources, and resulted in an orderly transfer of power between rival parties.

Guinea: Guinea's status declined from Partly Free to Not Free because military commanders seized power in a coup, removing President Alpha Condé and dissolving the legislature.

Haiti: Haiti's status declined from Partly Free to Not Free due to the assassination of President Jovenel Moïse, an ongoing breakdown in the electoral system and other state institutions, and the corrosive effects of organized crime and violence on civic life.

Peru: Peru's status improved from Partly Free to Free because the successful election of a new president and Congress served to ease, at least temporarily, a pattern of institutional clashes between the executive and legislative branches that had disrupted governance for a number of years.

Tunisia: Tunisia's status declined from Free to Partly Free because President Kaïs Saïed unilaterally dismissed and replaced the elected government, indefinitely suspended the parliament, and imposed harsh restrictions on civil liberties to suppress opposition to his actions.

Introduction

The *Freedom in the World* 2022 survey contains reports on 195 countries and 15 territories. Each country report begins with a section containing the following information: population, capital, freedom status (Free, Partly Free, or Not Free), and an “electoral democracy” designation. Each territory report begins with a section containing the same information, except for the capital. The population figures are drawn primarily from the *2021 World Population Data Sheet* of the Population Reference Bureau.

The political rights and civil liberties ratings range from 1 to 7, with 1 representing the most free and 7 the least free. The status designation of Free, Partly Free, or Not Free, which is determined by the average of the political rights and civil liberties ratings, indicates the general state of freedom in a country or territory. A brief explanation of status changes is provided for each country or territory as required. Any improvements or declines in the ratings since the previous survey are noted next to the relevant number in each report. For a full description of the methods used to determine the survey’s ratings, please see the chapter on the survey’s methodology.

Following the section described above, each country and territory report is composed of three parts: an overview, bullets on key developments, and an analysis of political rights and civil liberties. The overview provides a succinct, general description that explains the country or territory’s place on the 0–7 rating scale; bullets on key developments summarize key events that took place in 2021; and the section on political rights and civil liberties analyzes the degree of respect for the rights and liberties that Freedom House uses to evaluate freedom in the world. This section is composed of seven parts that correspond to the seven main subcategories in the methodology and justify a country or territory’s score for each indicator. The scores for each indicator, subcategory, and category, along with any changes from the previous year, are noted next to the relevant subheading.

Country Reports

Afghanistan

Population: 39,800,000

Capital: Kabul

Freedom Status: Not Free

Electoral Democracy: No

Overview: Afghanistan's elected government, which had been undermined by an insurgency waged by the Taliban as well as violence, corruption, and flawed electoral processes, nevertheless offered a wide range of individual rights before its collapse in 2021. Since overthrowing the elected government, the Taliban have closed the country's political space; opposition to its rule is not tolerated, while women and minority groups have seen their rights curtailed by the new regime.

KEY DEVELOPMENTS IN 2021

- In April, US president Joe Biden announced that US military personnel would be withdrawn from Afghanistan by September 11. In July, President Biden accelerated the withdrawal, with the US military presence in Afghanistan ending in August.
- In August, the Islamic Republic of Afghanistan's elected government was deposed by the Taliban, which led a renewed offensive against it beginning in May. Provincial capitals fell in August and Kabul was overrun on August 15, the same day President Ashraf Ghani fled the country. The Taliban named a cabinet in September, with members coming from its upper echelons.
- Afghans sought to flee their homes and the country in large numbers as the civil conflict concluded. Several countries managed an airlift to allow their citizens and Afghans to depart, with over 122,000 people being evacuated by the United States between late July and the end of August. Some 700,000 people were newly displaced within Afghanistan by year's end.
- After deposing the elected government, the Taliban restricted personal and political freedoms. In September, it reconstituted a Ministry of Vice and Virtue (MVV), which had enforced their interpretation of Sharia (Islamic law) under their previous regime. The new regime has also violently suppressed demonstrations, restricted private discussion perceived as critical of its rule, limited educational opportunities for female students, and targeted supporters of the former government.
- The Islamic State Khorasan Province (IS-K) militant group engaged in violent attacks throughout the year. The IS-K claimed responsibility for an August bombing near Kabul Airport that killed over 170 civilians and 13 US military personnel. IS-K activity continued after the Taliban took power; over 135 people were killed in two mosque attacks in October, while at least 19 were killed when the IS-K attacked a military hospital in Kabul in November.

POLITICAL RIGHTS: 1 / 40 (-12)

A. ELECTORAL PROCESS: 0 / 12 (-3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-1)

The Taliban overthrew the elected government in August 2021, after launching a renewed offensive in May. In September, the Taliban declared the formation of the Islamic

Emirate of Afghanistan (IEA) and installed an unelected cabinet. Mohammad Hasan Akhund, the head of the movement's Rehbari Shura (Leadership Council), was named prime minister. Haibatullah Akhundzada, the movement's leader, was named the IEA's supreme leader.

Prior to the Taliban takeover, the president was directly elected for up to two five-year terms and could appoint ministers with parliamentary approval. The last republican president, Ashraf Ghani, was declared by the Independent Election Commission (IEC) to have won reelection in September 2019 presidential contest with 50.6 percent of the vote.

Score Change: The score declined from 1 to 0 because the elected president was deposed by the Taliban, who appointed an unelected prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-1)

While Afghans were previously represented by a parliament, no popularly elected body functions under Taliban rule.

Under the 2004 constitution, the National Assembly consisted of the directly elected lower house, the 249-seat Wolesi Jirga (House of the People), and the 102-seat Meshrano Jirga (House of Elders), the upper house. Two-thirds of upper-house members were elected by provincial councils, while the president appointed the remaining third. Ten Wolesi Jirga seats were reserved for the nomadic Kuchi, including at least 3 women, and 65 of the chamber's general seats were reserved for women.

The parliament that was effectively dissolved in 2021 was elected in 2018. Half of all registered voters participated, though the elections were affected by fears of violence, technical issues, and long lines at polling stations.

Score Change: The score declined from 1 to 0 because the elected legislature ceased functioning after the Taliban deposed the country's elected government.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

Under the republic, elections were administered by the IEC and disputes adjudicated by the Electoral Complaints Commission, though candidates questioned their independence and competence. Elections were also affected by fraud. While the Taliban did not immediately rule elections out, it abolished both electoral bodies in December 2021.

In late September 2021, the Taliban announced that they would enforce parts of the 1964 constitution that did not contradict their interpretation of Sharia, rejecting the 2004 constitution used by the republic.

Score Change: The score declined from 1 to 0 because the unelected Taliban have not committed to holding new elections since taking power.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16 (-7)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4 (-2)

Political parties do not compete for power under Taliban rule. Parties that were active effectively ceased operations after the elected government fell.

Political parties represented a wide range of traditional, Islamist, and liberal views before the republic's collapse. However, they did not consolidate mass support; major parties were defined by relations to prominent figures or factions.

Score Change: The score declined from 2 to 0 because political parties have effectively ceased electoral activities after the elected government was deposed.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4 (-2)

Those who oppose the Taliban do not have the opportunity to gain power peacefully. No opposition or nonaligned individuals were included in the cabinet announced in September 2021.

In principle, the opposition had the potential to gain power during the republic's rule, though the aftermath of the 2019 presidential election left their practical ability to do so under question. The 2014 swearing-in of Ashraf Ghani as president represented the republic's only peaceful transfer of executive power.

Score Change: The score declined from 2 to 0 because political opposition is not tolerated under the Taliban.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4 (-1)

Some Taliban officials, including at the local and provincial levels, are reportedly open to lobbying and some level of consultation. Afghans who are not Taliban members can sometimes informally petition Taliban using kinship or tribal links. However, no formal method of political participation exists. Political decision-making is opaquely made by Taliban officials.

Under the republic, Afghans' individual political choices were undermined by the Taliban, who sought to undermine elections and intimidate citizens as they waged their insurgency. Individual choices were also influenced by military commanders, who had emerged as local power brokers, as well as civil administrators and moneyed elites.

Score Change: The score declined from 1 to 0 because individuals who are not Taliban members have no opportunity to engage in meaningful political participation.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4 (-2)

Women are unable to seek political rights or electoral opportunities under the Taliban. The Taliban included no women in its cabinet in September 2021.

Most Taliban members are ethnic Pashtuns, who are believed to represent 42 percent of the Afghan population. However, members of other ethnic groups also support it. Ethnic Pashtuns dominated the government announced in September 2021, though a deputy prime minister, Abdul Salam Hanafi, is an ethnic Uzbek. Some Taliban members who are not part of the Pashtun ethnic group reportedly hold civil and military posts.

LGBT+ interests are not considered by the Taliban, who declared they would not respect LGBT+ rights in an October 2021 statement.

The republican constitution recognized multiple ethnic and linguistic minorities and provided more guarantees of equal status to minorities than historically available in Afghanistan. Women and traditionally marginalized Shiite Muslims, including most ethnic Hazaras, enjoyed increased levels of political representation and participation. Presidential tickets had included vice-presidential candidates from minority ethnic groups to broaden their appeal. Through this tradition of coalition building, Tajiks, Hazaras, and Uzbeks all had a stake in electoral contests.

Score Change: The score declined from 2 to 0 because political rights for women, ethnic minority groups, and LGBT+ people have been largely suspended under the Taliban.

C. FUNCTIONING OF GOVERNMENT: 1 / 12 (-2)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)

The Taliban appointed an unelected government in September 2021. The elected executive and legislative branches of the republic ceased functioning after its August collapse.

The republic's president was charged with setting government policy, assisted by a cabinet and subject to parliamentary oversight. However, the republic's ability to govern was affected by its economic and military reliance on the United States and its allies. During US-Taliban talks, US-led diplomats applied intense pressure on the Ghani administration to accept their favored negotiated compromise. The elected government had no role in those negotiations, which concluded in 2020 with a US commitment to withdraw troops from Afghanistan, despite the agreement's implications for its future.

Score Change: The score declined from 1 to 0 because the country's elected national representatives were deposed by the unelected Taliban.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption was endemic under the republic, despite the 2016 creation of the Anti-Corruption Justice Centre. Law enforcement agencies and the judiciary were compromised by graft and political pressure.

In November 2021, the Taliban created a commission under the Defense Ministry responsible for removing members "of bad character." In late December, a Taliban spokesman reported that the commission had removed nearly 1,900 Taliban supporters over their conduct, including provincial officials.

C3. Does the government operate with openness and transparency? 0 / 4 (-1)

The Taliban are not transparent in their decision-making. Official spokesmen selectively release information about government proceedings. The Taliban have initially retained the procurement structure established in 2014 but have not indicated what transparency standards they intend to apply.

Score Change: The score declined from 1 to 0 because the Taliban do not offer transparency in their decision-making processes.

CIVIL LIBERTIES: 9 / 60 (-5)

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16 (-2)

D1. Are there free and independent media? 1 / 4 (-1)

While Afghanistan had a vibrant media sector during the republic, media freedoms are severely restricted under the Taliban.

Journalists were subjected to violence while the republic was in power in 2021. In March, three Enikass Radio and TV employees were killed by unidentified gunmen. In June, Ariana News anchor Mina Khairi died in a car bomb explosion along with her mother and two other passengers in Kabul. The Taliban have also used force against journalists since taking control of Afghanistan, with journalists being detained and attacked by Taliban for covering demonstrations. The Taliban detained at least 32 journalists since deposing the elected government.

The Taliban instituted restrictions on artistic and media activity since taking power. In October 2021, the MVV reportedly banned live music in some public places. In November, it

banned broadcasts of programs featuring female actors, while ordering female news presenters to wear “Islamic hijab,” a term they did not specifically define. The MVV also imposed other guidelines, including a ban on broadcasts showing images of the prophet Muhammad.

The media sector has severely contracted since the collapse of the republic. In late December 2021, Reporters Without Borders (RSF) and the Afghan Independent Journalists Association reported that 231 media outlets closed since the Taliban took power, while 84 percent of female journalists have lost their jobs. Nearly all independent outlets operating outside Kabul have shuttered. Tolo News, an independent outlet, has continued to function and employs female presenters, however.

Score Change: The score declined from 2 to 1 because journalists face reporting restrictions, harassment, and physical violence under the Taliban, and media outlets have closed since the group assumed power.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom, which was hampered by violence and discrimination under the republic, has been heavily curtailed by the Taliban. In September 2021, the Taliban reconstituted the MVV, which had previously been used to enforce their interpretation of Sharia. The current ministry is reportedly less strict in its enforcement than under the regime that was deposed in 2001, however.

Members of religious minority groups have faced restrictions and violence from the Taliban and armed groups. Salafists have accused the Taliban of closing houses of worship and detaining and killing members. Afghan Christians sought to leave the country after the Taliban’s takeover, with Taliban reportedly killing Afghans believed to adhere to Christianity.

Hazaras, most of whom practice Shia Islam, have been targeted by the IS-K. The IS-K claimed responsibility for attacking a mosque in Kunduz in October 2021, killing at least 72 people. It also assumed responsibility for an attack on a Kandahar mosque that month, killing at least 63 people. Hazaras have also been targeted by the Taliban; in late August, Taliban fighters reportedly killed 13 Hazaras, many of them former government soldiers, in Daykundi Province. In September, reports surfaced of Taliban forcibly evicting Hazara families from their homes.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Education in Afghanistan was disrupted by the republic’s collapse. Public universities remained shuttered at year’s end, while some university faculty and students fled the country. Some private universities reopened in mid-September 2021.

The Taliban have focused on segregating the Afghan educational system since taking power. In September 2021, for example, the regime announced the reopening of primary and secondary schools for male students, but not for female students. Girls have been able to attend schools operated by a nongovernmental organization (NGO).

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

Afghans cannot freely engage in private discussion without risking offline and online surveillance. Criticism of the new regime or its moral code are grounds for arrest, as are sympathetic statements towards the National Resistance Front (NRF), an armed group that has resisted Taliban rule in the Panjshir Valley. The Taliban also rely on individuals to

inform them of neighbors' activities. Taliban search mobile phones for social media comments criticizing the regime.

Score Change: The score declined from 2 to 1 because political discussion is more dangerous for Afghans under the Taliban.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4 (-1)

The Taliban suppress demonstrations and use violence to disperse them when they do occur. Unapproved protests are banned. Female protesters have resorted to live-streaming small-scale indoor demonstrations since the Taliban assumed power.

In a September 2021 briefing, the Office of the UN High Commissioner for Human Rights reported that the Taliban used whips, batons, and live ammunition to disperse protesters. On September 7, two protesters were killed by Taliban in Herat, while Taliban physically attacked female protesters holding an event in Kabul that same day.

Score Change: The score declined from 2 to 1 because the Taliban have violently dispersed protests since taking power.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Many NGOs suspended operations, closed offices, and sought to evacuate staff when the elected government collapsed. However, NGOs and agencies have since continued to operate in Afghanistan, especially those providing economic and humanitarian support.

While Taliban have attacked and killed NGO workers in the past, they have broadly tolerated a continued NGO presence since taking power, instructing groups to continue the established practice of registering with the Economy Ministry. However, there are no effective protections for NGO staff, who face harassment and arbitrary arrest by Taliban who typically seek to interfere in the distribution of aid.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Under the 2004 constitution, Afghan workers had broad constitutional protections. However, labor rights were poorly defined and no effective enforcement or dispute-resolution mechanisms were in place. Unions were largely absent from the large informal and agricultural sectors. The rise of the Taliban had no immediate effect on labor rights.

F. RULE OF LAW: 0 / 16 (-2)

F1. Is there an independent judiciary? 0 / 4 (-1)

The Taliban installed a judiciary in the areas they controlled during their insurgency. After deposing the elected government in August 2021, the Taliban took complete control of the country's judicial system, appointing judges to civil and military courts. Judges who served under the republic, especially female judges, are unemployed; a significant number went into hiding.

Under the republic, informal justice systems, employing variants of both customary law and Sharia, were widely used to arbitrate disputes, especially in rural areas. This remains the case, though the Taliban have sought to control some local dispute-resolution practices since taking power.

Score Change: The score declined from 1 to 0 because the Taliban have begun installing judges with no transparency over appointment or accountability.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The Taliban judiciary does not recognize international due process norms. Their judges are supposed to operate under Hanafi jurisprudence. Due process in prosecutions has been further weakened by the abolition of the republic's police force and its criminal investigation organs, which have been replaced by Taliban fighters. Judges and prosecutors rely on confessions and uncorroborated witness testimony.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The Afghan population was acutely vulnerable to armed conflict and violence during 2021, before and after the Taliban takeover.

US forces and the Taliban largely refrained from direct conflict after concluding an agreement in 2020, under which the United States committed to a conditional withdrawal timetable. The Taliban continued to fight the republic's forces, however. In April 2021, US president Biden announced that US troops would be withdrawn by September 11 (in July, Biden accelerated the timetable, with the US military presence being fully removed by the end of August). The Taliban launched a renewed offensive against the government in May, engaging in fierce fighting for control of some district centers. Provincial capitals fell to the Taliban in rapid succession in August. On August 15, Taliban fighters entered Kabul and took control of the city. The UN Assistance Mission in Afghanistan (UNAMA) reported 1,659 civilian deaths and 3,524 injuries during the first half of 2021. The Afghan army's former chief of staff, meanwhile, estimated that 1,000 military personnel were killed and another 1,000 went missing in the final weeks of fighting, with 92,000 service personnel killed throughout the war.

The Taliban engaged in retaliatory violence after their campaign. Some 47 members of the deposed government's security forces were either executed or disappeared between the middle of August and the end of October 2021 according to Human Rights Watch (HRW). In December, the United Nations claimed that over 100 people had been extrajudicially killed by the Taliban for their ties to the former government.

Afghans face the death penalty under the Taliban. In September 2021, Nooruddin Turabi, a founding member, said that the Taliban would carry out executions as well as amputations.

Other armed groups were active during the year. The IS-K engaged in violent activity throughout 2021; UNAMA reported that the IS-K claimed responsibility or was believed responsible for 77 attacks in the first four months of the year. The IS-K also claimed responsibility for a bombing near Kabul Airport in August, which killed over 170 civilians and 13 US military personnel. IS-K activities continued after the elected government collapsed; in November, the IS-K attacked a military hospital in Kabul, killing at least 19 people.

In August 2021, the Taliban fought the NRF in the Panjshir Valley. The Taliban claimed victory in September, though the NRF vowed to continue its operations.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4 (-1)

The Taliban removed previous legal and institutional guarantees of equal treatment after deposing the elected government. Women who had worked in government, education, and the media were dismissed. The MVV has restricted women's ability to travel on public transport or without a chaperone.

While the Taliban offered amnesty for those who worked for the deposed government in August 2021, former military personnel, civilian employees, and perceived supporters were

subjected to harassment and discrimination. Perceived opponents were excluded from state employment and humanitarian assistance. The Taliban have also engaged in discrimination against members of ethnic minority groups, particularly Tajiks, Hazaras, and Uzbeks.

There is no legal protection for LGBT+ people, who face societal disapproval and discrimination from the Taliban. In a July 2021 interview, a Taliban judge advocated for the execution of men who engage in same-sex activity.

Score Change: The score declined from 1 to 0 because Taliban policies reject protections for ethnic and religious minority groups and women.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

The Taliban impose few direct restrictions on freedom of movement within the country. However, intrusive checkpoints, designed to ensnare suspected opponents and enforce Taliban codes, can make movement hazardous.

Freedom of movement for women is restricted, with the MVV restricting how far they can travel unaccompanied. Women who do not wear clothing that abides by the ministry's guidance can be prohibited from entering vehicles.

The civil conflict restricted movement and compelled Afghans and citizens of other countries to flee their homes or the country altogether during the year. The Office of the UN High Commissioner for Refugees reported that 700,000 people were newly displaced within Afghanistan during 2021; by the end of the year, 3.4 million were internally displaced by civil conflict. Several countries evacuated residents as the conflict between the republic and Taliban concluded. The United States alone evacuated 122,000 people between late July and the end of August, including US citizens.

Outside of the framework of the organized evacuation program, opportunities for Afghans to seek refuge abroad were curtailed in recent years, as the European Union (EU) attempted to reinforce its external border and member states increased deportations of failed asylum seekers, Iran and Pakistan compelled hundreds of thousands of refugees to return home, and the United States decreased the number of refugees permitted annually. Despite these preexisting barriers, people continued to flee the country after the elected government fell; over 300,000 people entered Iran between September and the end of November 2021 according to the Norwegian Refugee Council. Over 80,000 Afghans applied for asylum within the EU in the first 11 months of the year, many of them doing so after being evacuated from Afghanistan.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The Taliban have historically promised to respect existing property rights and provide enough security to allow for investment. However, the Taliban have forcibly expropriated weapons and armored vehicles since deposing the elected government, showing little regard for whether they were privately owned. There were also multiple reported incidents of burglaries conducted by armed men styling themselves as Taliban during 2021. In November, the Taliban announced that they would investigate property titles issued under the republic.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

The Taliban ended the limited formal protections from domestic violence offered by the republic. Shelters for survivors of gender-based violence (GBV) were closed by the Taliban,

with some residents reportedly being sent to prisons. Individuals who were convicted of GBV were among those released by the Taliban during their takeover.

The Taliban have explicitly sought to restrict women's freedoms, including control over appearance.

Under the republic, women's choices regarding marriage and divorce were restricted by custom and discriminatory laws, a situation which has been aggravated by the effective loss of protection mechanisms. The forced marriage of young girls to older men or widows to their husbands' male relations was a problem, and many girls were married before the legal age of 16. The courts and the detention system were used to enforce social control of women.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The economic crisis associated with the Taliban takeover has left Afghans vulnerable to dire economic circumstances and exploitation. Reports of Afghan families selling children into marriage to avoid starvation surfaced after the republic's collapse.

Under the republic, debt bondage was a problem, as was child labor. Most human trafficking victims in Afghanistan are children trafficked internally to work in various industries, become domestic servants, settle debts, or be subjected to sexual exploitation.

Albania

Population: 2,800,000

Capital: Tirana

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Albania has a record of competitive elections, though political parties are highly polarized and often organized around leading personalities. Religious freedom and freedom of assembly are generally respected. Corruption and organized crime remain serious problems, and the intermingling of powerful business, political, and media interests inhibits the development of truly independent news outlets.

KEY DEVELOPMENTS IN 2021

- General elections were held in April with a voter turnout of 46.3 percent, and saw the ruling Socialist Party (PS) maintain its parliamentary majority after taking 49 percent of the vote; incumbent prime minister Edi Rama retained his position for a third term following the election. International election monitors reported numerous electoral irregularities, including allegations of widespread vote buying and the improper use of state resources by the PS.
- In June, the Assembly voted to impeach President Ilir Meta for allegedly violating the constitution during the April elections. Meta, who denied the charges, remained in office at year's end, pending a Constitutional Court ruling on the legality of the impeachment.

POLITICAL RIGHTS: 28 / 40 (+1)

A. ELECTORAL PROCESS: 9 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is the head of state and is elected by the parliament for a maximum of two five-year terms; the office does not hold executive power, though the president has some authority over the judiciary and the armed forces. The prime minister is the head of government and is designated by the majority party or coalition. Because both the president and prime minister are selected by lawmakers, their legitimacy is generally dependent on the conduct of parliamentary elections.

In April 2017, Ilir Meta, the head of the Socialist Movement of Integration (LSI), was selected as president. In June 2021, 104 of the 140 members of the parliament voted to impeach Meta for allegedly violating the constitution, including by “inciting violence against” the PS during the April elections. Meta denied the charges and condemned the impeachment vote as illegal. He remained in office at year’s end, pending a Constitutional Court ruling on the legality of the impeachment.

PS leader Edi Rama retained his position as prime minister for a third term following the April 2021 parliamentary elections, in which the PS won 49 percent of the vote. The elections were considered competitive by international observers, but featured a number of irregularities, including the misuse of administrative resources by the incumbent PS.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Albania is a parliamentary republic. The unicameral, 140-member Kuvendi (Assembly) is elected through proportional representation in 12 regional districts of varying size corresponding to administrative regions. All members serve four-year terms.

Parliamentary elections were held in April 2021 with a voter turnout of 46.3 percent. The ruling PS maintained its parliamentary majority, winning 49 percent of the vote to take 74 of the 140 seats in the Assembly. The opposition Democratic Party (PD) won 39 percent of the vote, taking 59 seats, while the LSI took just 4 seats.

The 2021 parliamentary elections were administered under electoral reforms that had been adopted the previous year, ensuring the participation of opposition parties, including the PD, which had boycotted previous elections. International election observers reported that the elections were well-organized and competitive. However, the elections were also marked by numerous irregularities, including allegations of widespread vote buying and media bias that allowed the PS to “derive significant advantage from its incumbency.” Despite such flaws, the election results were widely accepted by stakeholders.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)

Elections are administered by the Central Election Commission (CEC). In January 2020, the parliament established the Political Council, comprised of representatives of the three largest parties, to create a plan to address needed electoral reforms recommended by the OSCE. The parliament adopted several provisions of the Council’s plan throughout 2020 to gradually depoliticize election administration, introduce electronic identification of voters where technically possible, and restructure the CEC, among other changes.

The April 2021 elections were administered by the newly restructured CEC, and were the first polls affected by the numerous electoral reforms adopted the previous year, which required the launch of several new processes, such as electronic voting and counting, creating additional responsibilities for the CEC. Despite concerns about the ability of the CEC to manage the 2021 polls after the parliament’s “extremely hasty” adoption of the electoral amendments the previous year, international observers reported that the April elections proceeded smoothly, and were competently and transparently administered by the commission.

Score Change: The score improved from 2 to 3 because reforms to the electoral process from the previous year resulted in general elections that observers deemed well organized and that stakeholders accepted.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Albanian citizens generally have the right to organize in political parties. The two main parties, the PS and the PD, are sharply polarized and given to personality-driven rivalry. Candidates for legislative elections who do not belong to a party currently seated in the parliament must collect a set number of signatures in order to run.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Albania's multiparty system provides ample opportunity for opposition parties to participate in the political process, and elections have resulted in the rotation of power among parties. The PD and LSI boycotted the June 2019 local contests, leaving fewer options for Albanians who voted.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

While individuals are generally free to make their own political choices, powerful economic actors can also shape the political sphere through their media holdings and influence on electoral campaigns. Criminal organizations are also known to influence Albanian politics.

In the runup to the April 2021 general elections, an independent online news outlet reported that the PS had created a database listing the personal information of more than 900,000 voters, including their voting history and "likely voting preferences." Critics, including members of the opposition, have accused the PS of stealing the data from official government websites and using it to "intimidate" voters. The party has repeatedly denied that the database was created or used illegally.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Albanian law guarantees political rights for citizens regardless of their ethnic, racial, lingual, or religious identity.

Roma and other marginalized people remain vulnerable to political exploitation. OSCE monitors noted that Romany individuals faced difficulty registering to vote in 2021 due to a lack of a permanent address.

Though women are underrepresented in the Assembly, a record 12 women were appointed to the 17-member Cabinet in September 2021.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Since coming to power in 2017, the PS government has largely been able to formulate and implement policy, though its ability to do so was somewhat impacted by the February 2019 opposition boycott.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption is pervasive, and the EU has repeatedly called for rigorous implementation of antigraft measures, particularly for corruption within the judiciary. In 2016, constitutional reforms established Albania's Special Anticorruption Structure (SPAK), which is tasked with investigating and prosecuting high-level corruption. In a process monitored by EU and US experts, the government has been vetting judges and prosecutors since 2018, so as to identify and prevent corruption in the justice system. An October 2021 European Commission report praised Albania's anticorruption efforts, specifically noting the success of the vetting mechanisms in reducing judicial corruption.

C3. Does the government operate with openness and transparency? 2 / 4

A robust law on access to information is not well implemented. Public procurement processes and public finances are frequently opaque, though parliamentary procedures are more open.

CIVIL LIBERTIES: 39 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 2 / 4

While the constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets; most are seen as biased toward either the PS or the PD. Reporters have little job security and remain subject to lawsuits, intimidation, and occasional physical attacks by those facing media scrutiny. Print media has continued to experience declining revenue, which has driven down journalists' salaries.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of religion, which is generally upheld in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government typically does not limit academic freedom, though teachers in several districts have faced pressure ahead of elections to participate in political rallies. Access to higher education is affected by corruption.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on free and open private discussion, including for online blogs and social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is generally respected. Demonstrations by opposition parties and civic groups are common.

In 2020, the government banned public gatherings as a part of the COVID-19-related state of emergency. Despite the ban, several large demonstrations were held throughout the year, and sometimes turned violent.

Several demonstrations against gender-based violence took place during 2021, with thousands of protesters demanding that the government increase official efforts to combat

domestic violence in the country. Other protests were also held throughout the year, including some political rallies that turned violent. In January, demonstrators throwing stones and attempting to storm the headquarters of the PD were forcibly dispersed by police using tear gas and water cannons, leading to several injuries.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) generally function without restriction but have limited funding due to dependence on foreign donors and policy influence.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution guarantees workers the rights to organize and bargain collectively, and most have the right to strike. However, effective collective bargaining remains limited, and union members have little protection against discrimination by employers.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

The constitution provides for an independent judiciary, but the underfunded courts are subject to political pressure and influence, and public trust in judicial institutions is low. Corruption in the judiciary remains a serious problem, and convictions of high-ranking judges for corruption and abuse of power are historically rare.

In March 2021, the Assembly adopted amendments to 10 laws in an effort to strengthen the efficiency of the judiciary. The reevaluation of all judges and prosecutors, in line with the new judicial vetting mechanisms introduced in recent years, continued throughout 2021, and received praise from several international governance bodies for its effectiveness. All priority cases had been reviewed by September; more than 60 percent of all cases reviewed have resulted in dismissals “due to unexplained assets.”

F2. Does due process prevail in civil and criminal matters? 2 / 4

Constitutional guarantees of due process are upheld inconsistently. Trial procedures can be affected by corruption within the judicial system and are sometimes closed to the public. Legal counsel is not always provided to those that cannot afford their own; however, a number of local NGOs offer free legal aid to those unable to access legal services through the state.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Reports of police abuse of detainees continues. Prison inmates suffer from poor living conditions and a lack of adequate medical treatment. Drug-related crime remains a problem, as Albania is a transit country for heroin smugglers.

Tribal law is practiced in parts of northern Albania, and sometimes involves revenge killings.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Roma face significant discrimination in education, health care, employment, and housing. A 2010 law bars discrimination based on race and several other categories, including sexual orientation and gender identity, and a 2013 reform of the criminal code introduced protections against hate crimes and hate speech based on sexual orientation and gender

identity. However, bias against LGBT+ people is strong in practice. Women are under-represented in the workforce. Women living in rural areas have fewer opportunities for employment and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Albanians generally enjoy freedom of movement, though criminal activity and practices related to historically predominant honor codes limit these rights in some areas. People are generally free to change their place of residence or employment.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Numerous property-restitution cases related to confiscations during the communist era remain unresolved. Illegal construction is a major problem, as is bribery linked to government approval of development projects.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The government generally does not place explicit restrictions on social freedoms. No progress has been made to recognize same-sex marriages.

Domestic violence is widespread. Police are poorly equipped to handle cases of domestic violence or spousal rape, which is often not understood to be a crime. According to UN Women, 52.9 percent of Albanian women have experienced domestic violence in their lives. In the first nine months of 2021, 16 women were killed by their partners.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Albania has relatively robust labor laws but lacks the capacity to enforce workplace safety and other protections. Conditions in the manufacturing, construction, and mining sectors are often substandard and put workers at risk.

While Albania continues to struggle with human trafficking, authorities are becoming more proactive in addressing the issue. In recent years, the government has cooperated with civil society leaders, creating the Advisory Board of Victims of Trafficking and increasing victim assistance in criminal proceedings with a new Development Center for Criminal Justice for Minors.

Algeria

Population: 45,100,000

Capital: Algiers

Freedom Status: Not Free

Electoral Democracy: No

Overview: Political affairs in Algeria have long been dominated by a closed elite based in the military and the ruling party, the National Liberation Front (FLN). While there are multiple opposition parties in Parliament, elections are distorted by fraud, and electoral processes are not transparent. Other concerns include the suppression of street protests, legal restrictions

on media freedom, and rampant corruption. The rise of the *Hirak* protest movement in 2019 has put pressure on the regime, leading it to crack down on dissent in the following years.

KEY DEVELOPMENTS IN 2021

- Abdelaziz Bouteflika, the longest-serving president in Algerian history, died in September. Bouteflika resigned in 2019 after his efforts to serve a fifth term sparked the *Hirak* and after the armed forces withdrew their support.
- The ruling FLN and the allied National Democratic Rally (RND) were the two largest parties in the lower house of Parliament after elections were held in June. The Islamist Movement of Society for Peace (MSP) and El Binaa Movement said the polls were marred by fraud, while the *Hirak* boycotted the contests. Turnout stood at 23 percent.
- *Hirak* protests, which were suspended in 2020 due to COVID-19, resumed in February. The Interior Ministry banned unauthorized rallies in May in an effort to stop the ongoing protests. The authorities also responded with mass arrests; over 1,000 people were arrested for appearing at nationwide rallies held on May 14.
- In May, the government declared the Movement for the Self-Determination of Kabylie (MAK) and the Rachad—which counts members of the banned Islamic Salvation Front (FIS) among its members—terrorist organizations. The government blamed the MAK for causing forest fires that affected several provinces in August and went on to arrest MAK members as the year progressed.

POLITICAL RIGHTS: 10 / 40

A. ELECTORAL PROCESS: 3 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president, who is directly elected for up to two five-year terms, remains the dominant figure in the executive branch, though some authority was shifted to the prime minister under constitutional reforms adopted in 2020. In 2008, term limits were removed, allowing Abdelaziz Bouteflika to serve four terms, but they were reinstated in 2016 when Parliament passed a constitutional reform package. Bouteflika's decision to seek another term, which would have been his fifth, sparked the *Hirak* protests in 2019. Bouteflika resigned that April after losing the support of the armed forces.

Bouteflika ally Abdelkader Bensalah, the head of Parliament's upper house, served as interim president during a transitional period, and a presidential election was held in December 2019. Former prime minister Abdelmajid Tebboune won in the first round with 58 percent of the vote, defeating four other candidates. Abdelaziz Belaïd, a 2014 presidential candidate and the only contestant who had not served in cabinet posts under Bouteflika, won 7 percent. The Constitutional Council reported a turnout of just under 40 percent, and one outside expert suggested a figure as low as 20 percent. Protesters called the election a sham and orchestrated a boycott. Outside observers were not allowed to enter the country to monitor the poll.

The president nominates the prime minister after consulting with the parliamentary majority. Abdelaziz Djerad, who became prime minister in 2019, resigned in June 2021. Tebboune named Finance Minister Ayman Benabderrahmane as Djerad's successor later that month.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 407 members of the National People's Assembly, the lower house of Parliament, are directly elected to five-year terms, which can only be renewed once under the 2020 constitutional reforms. Parliament was dissolved in February 2021 and early elections were held in June. The ruling FLN won 98 seats, while the allied RND won 58. The MSP won 65 seats, the Future Front won 48, and the moderate Islamist El Binaa Movement won 39. No other party won more than 10 seats, though 84 independent lawmakers were elected.

The MSP and the El Binaa Movement alleged that the elections were marred by fraud, while the Hirak boycotted the polls. Nationwide turnout stood at 23 percent. Preliminary turnout figures in Bejaïa and Tizi Ouzou stood at under 1 percent. The Independent National Authority for Elections (ANIE) reported that over 360 polling facilities were shuttered nationwide due to looting and other disruptions.

The president appoints one-third of the members of the upper house, the Council of the Nation, which has 144 members serving six-year terms. The other two-thirds are indirectly elected by local and provincial assemblies. Half of the chamber's mandates are renewed every three years. The FLN secured 29 of the 48 indirectly elected seats at stake in December 2018, with the RND and smaller factions or independents taking the remainder. Upper-house elections due in December 2021 were delayed to 2022.

Local and regional elections were held amid low turnout in late November 2021. The FLN and RND won the most town-hall seats and a plurality of regional-assembly seats, while the El Binaa Movement and the MSP did poorly.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Algeria's elections, which were previously administered by the Interior Ministry, were often subject to government interference, but pressure from protesters in 2019 forced the government to establish the ANIE. However, the slate of presidential candidates that was ultimately announced ahead of the December 2019 presidential election was dominated by Bouteflika-era officials, raising doubts about the efficacy of the electoral reforms. The absence of international election monitors drew criticism from Algerian civil society.

Constitutional reforms were approved by voters in a 2020 referendum that was marred by low turnout. Reform-package opponents, including Hirak activists, had called for a boycott after being prevented from campaigning for a "no" vote or airing their views on state media.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The Interior Ministry must approve political parties before they can operate legally. Parties cannot form along explicitly ethnic lines. The FIS, which swept the 1990 local and 1991 national elections that preceded Algeria's decade-long civil war, remains banned. Since the Hirak emerged in 2019, the authorities have intensified their repression of opposition groups, especially parties espousing separatism, Islamist groups, and parties perceived as closely aligned to the Hirak.

In April 2021, the Interior Ministry accused the opposition Union for Change and Progress of operating without its sanction and petitioned the courts to suspend it in May. That same month, the government sought to provisionally suspend the Socialist Workers' Party. Both parties, which have supported the Hirak, remained active at year's end.

In May 2021, the High Security Council declared the Rachad, an organization that includes former FIS members, and the MAK terrorist organizations. The same body accused the Rachad and the MAK of involvement in the August murder of activist Djamel Bensmail. In September, the National Gendarmerie announced that 30 people, including 7 MAK members, were detained during an investigation into forest fires that affected several provinces in August; the government ultimately blamed the MAK for causing those fires. Also in September, police arrested 27 MAK members in Kherrata and Beni Ourtilane, accusing them of “attempting to sow discord and terror.”

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Opposition parties play a marginal role in Parliament, and their campaigns are regularly curtailed by the government. Election boycotts by opposition groups are not uncommon.

Opposition leaders have also been subject to detention and prosecution. Karim Tabbou of unrecognized Democratic and Social Union was briefly detained ahead of the June 2021 elections. Later that month, Democratic and Social Movement leader Fethi Ghares was arrested for insulting the president and disseminating information that could “undermine public order.” Ghares remained in pretrial detention at year’s end.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Since Bouteflika’s resignation, the military has maintained its long-standing influence on decision making, with General Ahmed Gaïd Salah playing a key role until his death in 2019. The military has since remained the most influential political actor in Algeria, thanks to its lack of accountability and vast resources.

Allegations and scandals involving corruption and financial influence in the selection of political candidates, as well as vote-buying during elections, have surfaced in recent years. After Bouteflika’s resignation, Gaïd Salah initiated an anticorruption campaign targeting entrepreneurs and officials linked with the former administration, which he claimed was aimed at reducing the improper influence of these groups on domestic political decisions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

No specific ethnic or religious group dominates the main state institutions, which tend to include both Arabs and Amazigh (Berber) officials. Kabylie-based parties associated with the Amazigh community, like the Rally for Culture and Democracy and the Socialist Forces Front, have controlled a handful of municipalities, but their activities are often curtailed by the military, and some ethnic Berbers have been targeted by the authorities for mobilizing in support of their political interests.

Women remain reluctant to run for office, are often unable to secure meaningful influence within Parliament, and are more likely to lose intraparty debates. Women won only 8 percent of lower-house seats in the June 2021 elections.

LGBT+ people are politically marginalized and have little practical ability to advocate for their political interests.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The military has historically served as the ultimate arbiter of policy disputes in Algeria, and elected leaders have relied on its support to maintain office. The loss of military backing played a significant role in Bouteflika's resignation. The army chief of staff continues to wield considerable influence under President Tebboune.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Inadequate anticorruption laws, a lack of official transparency, low levels of judicial independence, and bloated bureaucracies contribute to widespread corruption at all levels of government. The anticorruption investigations that do occur are often used to settle scores between factions within the regime. The constitutional reforms passed in 2020 included provisions for an Authority for Transparency and for the Prevention of and Fight against Corruption, as well as a ban on combining roles in public office and private business.

Bouteflika's former political and economic allies received harsh prison sentences after his 2019 resignation as part of Gaïd Salah's anticorruption campaign. In January 2021, an Algiers court upheld corruption-related prison sentences issued against former prime ministers Ahmed Ouyahia and Abdelmalek Sellal in 2019. Ouyahia and Sellal reportedly received additional prison time in September 2021 but received effective reductions in December.

In August 2021, Mohamed Abdellah, a former border guard, was extradited from Spain on terrorism charges; Abdellah accused the Algerian authorities of targeting him for denouncing corruption within the border patrol before fleeing to Spain in 2018.

C3. Does the government operate with openness and transparency? 1 / 4

Algeria lacks access-to-information legislation. There is considerable opacity surrounding official decision-making procedures, the publication of official acts is rarely timely, and rules on asset disclosure by government officials are weak and poorly enforced. The 2020 constitutional revision introduced a requirement for all appointed and elected officials to declare their assets at the beginning and end of their terms, and obliges the public administration to justify its decisions within a time period to be determined by law. While the revised constitution nominally guarantees the right to access information, it includes vague exceptions for "the rights of others, the legitimate interests of businesses, and the requirements of national security."

CIVIL LIBERTIES: 22 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16****D1. Are there free and independent media? 1 / 4**

Although some newspapers are privately owned and some journalists remain aggressive in their coverage of government affairs, most papers rely on government agencies for printing and advertising, encouraging self-censorship. Authorities sometimes block distribution of independent news outlets that are based abroad or online. In 2020, for example, the websites of Maghreb Emergent, Radio M, and Interlignes became unavailable to Algerian users. Viewers can access unlicensed private television channels located in Algeria but legally based abroad, though these are subject to government crackdowns. In August 2021, the Communications Ministry ordered privately owned Lina TV to stop broadcasting, saying the station was unaccredited.

In 2020, Parliament approved a law criminalizing "fake news" that undermines public order and security; offenders can receive one- to five-year sentences. Under a 2020 decree, news sites must be directed by Algerian nationals and based physically in Algeria, report income sources, and keep an archive of at least six months. Websites in French or other foreign languages must be approved by a special authority for online media.

Authorities use these and other legal mechanisms to restrict media activity. Journalists and bloggers are frequently subjected to brief detentions, short jail terms, suspended sentences, or fines for offenses including defamation and “undermining national unity.” In addition, journalists covering demonstrations or who are close to the Hirak have been arbitrarily arrested and interrogated. In May 2021, Radio M and Maghreb Emergent editor in chief Ihsane El Kadi was placed under court supervision over charges including “undermining national unity.” In June, El Kadi was briefly detained ahead of that month’s legislative elections. In September, journalists Hassan Bouras and Mohamed Mouloudj were placed in custody over their alleged links to the Rachad and the MAK.

Foreign outlets are also subject to government interference. In June 2021, the government withdrew France 24’s authorization to operate in Algeria, alleging that the outlet engaged in “repeated hostility” towards national institutions. In July, the Communications Ministry revoked the accreditation of Saudi outlet Al Arabiya.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Algeria’s population is overwhelmingly Sunni Muslim. Members of religious minorities, including Christians and non-Sunni Muslims, suffer from state persecution and interference. Authorities have cracked down on the small Ahmadi minority, claiming that its members denigrate Islam, threaten national security, and violate laws on associations. Religious communities may only gather to worship at state-approved locations.

Accusations of nonbelief or blasphemy can draw criminal punishments. In early 2021, Hamid Soudad, a Christian, was sentenced to five years’ imprisonment and a 100,000-Algerian-dinar (\$740) fine for “blasphemy.” In April, Saïd Djabelkheir, an expert on Islam, was sentenced to three years’ imprisonment for commenting on Islamic texts. Djabelkheir remained free as he sought an appeal.

Proselytizing by non-Muslims is illegal. In March 2021, an Oran court upheld a prison sentence and a fine against a Christian pastor and his friend for proselytizing.

Authorities have engaged in a crackdown on the Algerian Protestant Church (EPA) since 2017, though the EPA had been legally recognized in 1974. In June 2021, a court in Oran ordered the closure of three Protestant churches.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Authorities generally do not interfere directly with the operations of universities, but debate is circumscribed in practice due to restrictive laws that limit speech more broadly. Academic work is also affected by state censorship of domestically published and imported books. Student organizations were active in the Hirak, with members calling for political reforms. The authorities occasionally resorted to violence to suppress these demonstrations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Private discussion and the public expression of personal views are relatively unhindered when they do not focus on certain sensitive topics, but social media users are subject to prosecution for critical comments that touch on the government or religion. The government monitors internet activity in the name of national security and does not disclose information about the program’s targets or range, which is thought to be extensive.

The authorities are known to prosecute social media users, particularly Hirak supporters. In January 2021, activist Walid Kechida received a three-year prison term and a 500,000-dinar

(\$3,700) fine for posting satirical content on Facebook. In August, two Facebook users were arrested for aiming to espouse pro-Rachad views on the social network. In October, Mohad Gasmi, a HIRAK supporter and activist for the unemployed, was sentenced to five years' imprisonment over his social media activity; Gasmi had been charged with "praising terrorism."

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Legal restrictions on freedom of assembly remain in place but are inconsistently enforced. HIRAK protests were sometimes tolerated by the authorities, though they used force and engaged in arbitrary arrest to preempt or disrupt some rallies.

HIRAK organizers suspended their activities in March 2020 as the novel coronavirus spread worldwide, but protests resumed in February 2021. In May, the Interior Ministry banned unauthorized rallies and required that permits include start and stop times for protests as well as the names of organizers. The government also used terrorism charges to impede the HIRAK; in April, the public prosecutor in Oran charged 15 supporters, including journalist Saïd Boudour, with terrorism. The case against four of the defendants was moved to an antiterrorism court in Algiers in September.

Police also engaged in mass arrests as protests continued, with officers regularly arresting scores of people during events. The National Committee for the Liberation of Detainees (CNLD) reported that over 1,000 people were arrested for participating in nationwide protests held on May 14. While many protesters were quickly released, some remained in detention for long periods; in November, the CNLD reported that protesters and activists were among the 231 people who remained in detention.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The 2012 law on associations effectively restricts the formation, funding, and activities of nongovernmental organizations (NGOs). Permits and receipts of application submission are required to establish and operate NGOs, but organizations often face considerable delays and bureaucratic obstacles when attempting to obtain such documents, leaving them in a legally precarious position.

In May 2021, the Interior Ministry moved to dissolve the Youth Action Rally, an NGO that has supported the HIRAK, citing its alleged violation of the law on associations. In October, an administrative court ruled in favor of its dissolution.

NGOs must notify the government of staffing changes and submit detailed reports on their funding; those that accept foreign funding without government approval risk fines or imprisonment.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The country's main labor federation, the General Union of Algerian Workers, has been criticized for its close relationship to the government and for its failure to advocate for workers' interests.

Workers require government approval to establish new unions, and this is difficult to obtain in practice, leaving many unions without legal status. Authorities routinely clamp down on independent unions. The Autonomous National Union of Electricity and Gas Workers, an independent union that represents workers at the National Society for Electricity and Gas, a public utility, has been repeatedly harassed by the authorities in recent years. In June 2021, Ramzi Derder, a National Federation of Informal Workers member, was arrested on charges including terrorism.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The judiciary is susceptible to pressure from the civilian government and the military. Judges are appointed by the High Council of the Judiciary (CSM), which is headed by the president, although the 2020 constitutional reforms removed the justice minister and attorney general from the body. Two representatives of the judges' union and the chair of the National Human Rights Council were added.

Concerns regarding the judiciary's independence persist despite these reforms. In May 2021, the CSM expelled Sadedin Merzoug, a Hirak supporter, from the judiciary for obstructing justice and violating his duty of confidentiality.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The lack of judicial and prosecutorial independence often erodes the due process rights of defendants, particularly in politically sensitive trials against former officials or civic activists. Lengthy delays in bringing cases to trial are common. Prosecutors' requests to extend pretrial detention periods are typically granted. Security forces frequently conduct warrantless searches and engage in arbitrary arrests and short-term detentions.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

A 2006 reconciliation law gave immunity to Islamist and state perpetrators of serious crimes during the civil war, while compensating families of those who were subject to such crimes, which included forced disappearances. The reconciliation law also criminalized public discussion on the fate of the disappeared.

Allegations of torture have decreased since the civil war's end, but human rights activists still accuse the police of using excessive force and abusing detainees. In February 2021, Walid Nekiche, a student, accused security officers of sexually assaulting and torturing him after his 2019 arrest, prompting prosecutors to open a preliminary investigation. In May, Nekiche criticized the investigation's pace.

Prison conditions are poor; in 2020, the online outlet *Algérie Part* reported that inmates at Algiers' Harrach prison faced significant overcrowding and poor hygiene.

Terrorist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and the Islamic State militant group, continue to operate in Algeria. However, attacks have grown less frequent in recent years. In January 2021, five people were killed and three were injured by a roadside bomb in Tébessa Province. AQIM reportedly claimed responsibility for placing the explosive but denied targeting civilians.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Officials have made gradual efforts to address the Amazigh community's cultural demands. Tamazight, the Berber language, became a national language in 1995, allowing it to be taught officially in schools serving Amazigh areas. Tamazight received the status of an official language nationwide through a 2016 constitutional amendment, meaning it could be used in administrative documents. The 2020 constitutional revisions made it impossible to change the status of Tamazight as a national language. However, Arabic remains the prevailing language of government.

The constitution guarantees gender equality, but women continue to face both legal and societal discrimination. Many women receive lower wages than men in similar positions, and there are few women in company leadership positions. Sexual harassment, while

punishable with fines and jail time, is nevertheless common in workplaces. NGOs dedicated to women's rights have become more vocal as part of the Hirak, calling for a renewed commitment to the constitutional promise of gender equality.

LGBT+ people face discrimination and violence, and many LGBT+ activists have fled the country. Same-sex sexual activity is punishable with prison sentences as long as two years. While prosecutions for such acts have declined in recent years, LGBT+ Algerians face mistreatment at the hands of police and discrimination by health providers and employers. In 2020, 2 people received prison terms and another 42 received suspended sentences after they were arrested at a clandestine gay wedding in Constantine.

About 175,000 Sahrawis from Western Sahara live in refugee camps in the Tindouf area, near the border with Morocco. The camps have been present since 1975, in a remote desert region with limited job opportunities. About 90,000 of the residents are considered "vulnerable" by the Office of the UN High Commissioner for Refugees (UNHCR), as they rely on humanitarian assistance for food, water, and education.

Sub-Saharan African migrants, including refugees and asylum seekers, are subject to racial discrimination in Algeria and are often arbitrarily arrested and deported from the country—or simply abandoned at the southern desert borders—without being given the opportunity to challenge the actions in court. In the first quarter of 2021, Algeria sent nearly 3,800 West African migrants to areas near the border with Niger. Algerian authorities sent scores of migrants to the border with Niger after it reopened in July. In September, as diplomatic tensions rose between Algiers and Rabat, Algeria deported about 40 Moroccan migrants to Morocco.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

While most citizens are relatively free to travel domestically and abroad, the authorities closely monitor and limit access to visas for non-Algerians. Men of military draft age cannot leave the country without official consent. The land border between Algeria and Morocco remains closed. Police reportedly limit the movement of sub-Saharan African migrants attempting to reach the Mediterranean coast. Married women younger than 18 must obtain the permission of their husbands to travel abroad.

In response to the COVID-19 pandemic, the authorities imposed significant restrictions on domestic and international freedom of movement in 2020 and 2021; curfews and other controls fluctuated along with the rates of infection.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The government plays a dominant role in the economy, leaving little room for private competitors. Cronyism is also a major obstacle to private enterprise, with businesspeople who are not aligned with the regime often facing harassment by the authorities. Numerous regulations and their flawed implementation make Algeria one of the most difficult environments in the world in which to establish and operate a business. Inheritance rules favor men over women.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women do not enjoy equal rights in marriage and divorce under the family code, which is based on Islamic law. Among other provisions, women must obtain a male guardian's

permission to marry, and the father is the legal guardian of his children. No law addresses spousal rape.

Domestic violence is common, and the laws against it are weak; for example, cases can be dropped if the victim forgives the alleged abuser. Women's rights groups report that between 100 and 200 women are killed in domestic abuse incidents each year. In late January 2021, public-television journalist Tinhinane Laced was killed by her spouse in their Algiers home.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The weak rule of law, government involvement in the economy, and bureaucratic obstacles pose major barriers to economic opportunity and social mobility. Laws against unsafe or abusive working conditions are poorly enforced.

A 2009 law criminalized all forms of trafficking in persons, and Algeria reported its first conviction under the law in 2015. In recent years, the government has made an effort to enforce the ban through prosecutions and has provided protection for victims, though not systematically. Undocumented sub-Saharan African migrants are particularly susceptible to labor exploitation, including through the practice of debt bondage, as well as sexual exploitation.

Andorra

Population: 80,000

Capital: Andorra la Vella

Freedom Status: Free

Electoral Democracy: Yes

Overview: Andorra has a parliamentary system of government and regularly holds free and fair elections. Political rights and civil liberties are generally respected. However, the country has strict naturalization criteria, and more than 50 percent of the population consists of noncitizens who do not have the right to vote. Among other outstanding concerns, abortion remains completely prohibited, and there is a notable wage gap between men and women. The small Muslim and Jewish communities lack dedicated cemeteries, and the country has no recognized mosque.

KEY DEVELOPMENTS IN 2021

- In June, authorities dropped slander charges against Vanessa Mendoza Cortés, the leader of the women's rights organization Stop Violence and a significant advocate for legalizing abortion. She had been charged in July 2020 for ostensibly slandering the co-princes and state institutions by testifying before a UN body in 2019 about conditions for women in Andorra and the abortion ban.
- In December, Parliament approved a transparency law that requires its members to report conflicts of interests and declare their assets. The law also requires authorities to provide information on the remuneration of civil servants and senior officials, as well as on public tenders and contracts.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Andorra has a parliamentary system, with a prime minister elected by and accountable to the legislature. The legitimacy of the prime minister, usually the head of the party with the most seats, rests largely on the conduct of parliamentary elections, which have historically been competitive and credible. Xavier Espot Zamora, the new leader of the ruling Democrats for Andorra (DA) party, became prime minister in 2019 following that year's elections.

Two "co-princes," the French president and the Roman Catholic bishop of La Seu d'Urgell, Spain, serve jointly as Andorra's ceremonial heads of state.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral, 28-member Consell General are directly elected every four years through a mixed voting system. In the 2019 elections, the DA led with 11 seats, followed by the Social Democratic Party (PS) with 7, the Liberals of Andorra (LA) and the new conservative party Third Way (TV) with 4 each, and the new social-liberal party Committed Citizens (CC) with 2. The LA and CC joined the DA in a governing coalition. The polls were considered competitive, credible, and well-administered.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The Electoral Law, which was last changed in 2014 to introduce regulations on campaign finance, provides a sound framework for free and fair elections. The Electoral Board supervises elections impartially. However, the law does not provide a formal role for international or citizen observers.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties may form and operate freely, and there are a number of active parties in Andorra. Two new parties, TV and CC, made their debut in the 2019 elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has experienced multiple democratic transfers of power between rival parties, most recently in 2011, when the DA replaced a government led by the PS. Opposition parties are well represented in the Consell General and deprived the DA of its outright majority in the 2019 elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Citizens and political figures are generally able to make political choices without undue interference from external forces.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

More than 50 percent of the population consists of noncitizens—mostly from nearby states—who do not have the right to vote in national elections or run for elected office.

Under Andorra's restrictive naturalization criteria, one must marry a resident Andorran or live in the country for more than 20 years to qualify for citizenship. Prospective citizens are also required to learn Catalan, the national language.

No specific policies encourage the political participation of women, but women are active in politics, and after the 2019 elections they held 50 percent of the seats in the legislature. LGBT+ people are also free to participate in politics, and several parties advocate for their interests.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected representatives generally exercise their powers without improper influence from unelected or nonstate actors. However, in recent years the Vatican has threatened to force the bishop of La Seu d'Urgell, Joan-Enric Vives i Sicília, to resign as co-prince if the Andorran government were to decriminalize abortion, a move that would likely cause a constitutional crisis. Similar threats were made in 2009 by the other co-prince, former French president Nicolas Sarkozy, who stated that he would resign if Andorra failed to reform its banking system. Neither co-prince is elected, directly or indirectly, by Andorran voters.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Government corruption is not viewed as a pressing issue in Andorra. Over the past several years, the government has made progress on financial-sector reforms designed to prevent abuses of the country's banking system that could facilitate domestic or transnational corruption. Nonresidents must make certain disclosures about their bank accounts. In 2019, the parliament adopted legislation to strengthen existing safeguards against money laundering and terrorist financing. In December 2021, Parliament approved a transparency law that requires its members to report conflicts of interests and declare their assets.

Nevertheless, the Council of Europe's Group of States against Corruption (GRECO) expressed in a December 2021 report a lack of progress with other anticorruption legislation, finding that only 5 of their 13 prior recommendations had been satisfactorily addressed.

C3. Does the government operate with openness and transparency? 4 / 4

The government operates openly in practice. Among other resources, it publishes a regular bulletin, accessible online, that documents government activity, budgetary processes, public procurement, and asset disclosures. Since 2017, the Ministry of Territorial Planning has sponsored a participatory budget process, allowing members of the public to help set spending priorities. The parliamentary rules of procedure were amended in 2019, obliging Parliament to inform the public about its activities. The December 2021 transparency law also requires authorities to provide information on the remuneration of civil servants and senior officials, as well as on public tenders and contracts.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

There are several daily and weekly newspapers, and the country's only domestic television station is operated by the public broadcaster Ràdio i Televisió d'Andorra. Residents have access to a variety of foreign media services. While press freedom is generally respected, criminal defamation laws remain on the books, and business, political, and religious interests have historically influenced media coverage; reporting on the activities of

Andorra's banks has been particularly difficult. The biggest media outlets are dependent on state advertising, which limits their opportunities to criticize the government.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally upheld, but the Roman Catholic Church enjoys a privileged position that allows it to draw on some state support and bypass some bureaucratic processes that other faith groups must adhere to.

Despite years of negotiations between the Muslim community and the government, there is no recognized mosque for the country's roughly 2,000 Muslims. The government has organized meetings with Jewish and Muslim communities to discuss the possible establishment of a special cemetery where those groups could conduct burials according to their customs and beliefs, but little progress has been made.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no restrictions on academic freedom, and the educational system is free from indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on personal expression or freedom of private discussion. Authorities are not known to illegally monitor private online communications. However, authorities drew up slander charges activist Vanessa Mendoza Cortés in 2020, who advocated for safe abortions, which Amnesty International and other international human rights groups called an attack on freedom of expression. The charges were dropped in June 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Andorran law provides for freedom of assembly, and the government respects this right in practice. Demonstrations against government policies and in response to other social and political controversies take place on occasion. Authorities imposed temporary restrictions on large gatherings during 2020 to limit the spread of COVID-19. In 2021 protests against the prohibition on abortion drew hundreds of participants.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Various nongovernmental organizations (NGOs) function without restriction. Human rights groups are generally able to publish their findings and advocate for improvements without repercussions.

However, Vanessa Mendoza Cortés, leader of the women's rights organization Stop Violence, was charged in July 2020 with slandering the co-princes and state institutions by testifying in 2019 before a UN body about conditions for women in Andorra and the abortion ban. The maximum penalty for slander is four years in prison. In June 2021, authorities dropped Mendoza Cortés's slander charges.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The right to unionize is protected by law and the constitution, and a new labor law that took effect in 2019 established regulations for collective bargaining and the right to strike.

However, unions and the political opposition characterized the law as a setback, arguing in part that it placed unnecessary constraints on the right to strike and increased job insecurity. There are no laws in place to penalize antiunion discrimination.

In 2018, Andorra experienced its first major strike in 85 years, when civil servants walked out to protest reforms to their contracts proposed by the Martí government.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is impartial and independent and is generally free from pressure from the government. Judges are appointed and supervised by the Higher Council of Justice; the two co-princes, the speaker of parliament, and the prime minister each select one of the council's five members, and the fifth is elected by judges and magistrates.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Defendants enjoy the presumption of innocence and the right to a fair trial, and due process is generally upheld in the criminal justice system. The constitution prohibits arbitrary arrest and imprisonment, but police can detain suspects for up to 48 hours without charge.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Andorra is free from war and insurgencies, violent crimes rates are low, and law enforcement agents are not known to use excessive force against civilians. Prison conditions are adequate.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Though the 2019 law on equal treatment and nondiscrimination focused primarily on combating gender discrimination, it includes comprehensive protections against discrimination based on race, ethnicity, age, disability, sexual orientation, gender identity or expression, and other such categories. The legislation provided enforcement mechanisms, including fines, and also sought to address a persistent gender pay gap, estimated at 22 percent and as high as 40 percent in some sectors. A report published by a women's rights organization in 2020 described ongoing problems including discrimination in the labor market and gender-based violence (GBV).

Andorra provides temporary protection and services to refugees and asylum seekers, but no law allows the government to grant asylum or refugee status.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are few restrictions on freedom of movement, and people are generally free to change their place of residence, employment, and education. The government imposed temporary restrictions on travel and internal movement during 2020 in response to the COVID-19 pandemic.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal and regulatory framework is generally supportive of property rights and entrepreneurship, and there are few undue obstacles to private business activity in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected, though there are some restrictions for same-sex couples, who can form civil unions but not marry or adopt children. A government-sponsored bill to legalize same-sex marriage was under parliamentary consideration in 2021. Domestic violence is prohibited by law and punishable with prison sentences; the government pursues domestic violence cases and provides resources for victims. Nevertheless, such violence remains a serious problem, and sometimes involves violence against children. The Council of Europe's 2020 report on Andorra's implementation of the Istanbul Convention—a treaty on preventing and combating violence against women and domestic violence—listed a number of shortcomings in the collection of data and the support system for victims of sexual violence.

Andorra remains one of the few countries in Europe where abortion is completely prohibited, with penalties for both doctors and patients who undergo the procedure. Abortion is relatively accessible in neighboring France and Spain, though this option can be expensive for Andorrans.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Andorran laws provide protections for most workers, including migrant workers. However, temporary workers must leave the country when their employment contract expires, exposing those with expired contracts to potential abuse by employers. The Labor Inspections Office is proactive in addressing violations of workers' rights.

A 2019 report from the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) found that Andorra had made legislative and policy progress on combating trafficking but called on authorities to scrutinize high-risk sectors for possible victims and raise awareness of the threat among law enforcement bodies. Confirmed cases of trafficking have been rare in practice.

Angola

Population: 32,500,000

Capital: Luanda

Freedom Status: Not Free

Electoral Democracy: No

Overview: Angola has been ruled by the same party since independence, and authorities have systematically repressed political dissent. Corruption, due process violations, and abuses by security forces remain common. An initial easing of some restrictions on the press and civil society, following President João Lourenço's election in 2017, has been backtracked and challenges persist.

KEY DEVELOPMENTS IN 2021

- A January crackdown by Angolan security forces against protesters in Lunda Norte province left at least a dozen protesters dead and several more missing, though local human rights groups have suggested that the true number of those killed is significantly higher. Two senior officers implicated in the crackdown were later dismissed.
-

- Throughout the year, rights activists and members of the press frequently protested against the government's repression of political dissent in the country. Several instances of arbitrary arrest and physical assault of journalists and protesters by police reportedly took place during these events; in some cases, activists and youth leaders were physically prevented from leaving their homes to take part in such demonstrations by security forces.
- In November, the ruling Popular Movement for the Liberation of Angola (MPLA) used its parliamentary majority to pass amendments to the law on general elections. The opposition and civil society organizations criticized the legislation, which includes provisions that centralize vote counting, saying that the law undermines electoral transparency and failed to implement antifraud mechanisms.

POLITICAL RIGHTS: 10 / 40

A. ELECTORAL PROCESS: 3 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The 2010 constitution abolished direct presidential elections. Instead, the head of the national list of the political party receiving the most votes in general elections becomes president, without any confirmation process by the elected legislature. The constitution permits the president to serve a maximum of two five-year terms, and to directly appoint the vice president, cabinet, and provincial governors. In December 2021, the ruling MPLA announced that President João Lourenço would again be the party's presidential candidate in 2022. Lourenço was first elected to the presidency in 2017, succeeding former president José Eduardo dos Santos, who had been in power for 38 years.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Angola's 220-seat, unicameral National Assembly, whose members are elected to five-year terms by proportional representation, has little power, and most legislation originates in the executive branch.

In the 2017 legislative polls, the MPLA won 61 percent of the vote and 150 seats, while the opposition National Union for the Total Independence of Angola (UNITA) took 27 percent and 51 seats, and the Broad Convergence for the Salvation of Angola–Electoral Coalition (CASA–CE) won 9 percent and 16 seats. Two smaller parties won the remainder. Though an African Union (AU) monitoring mission noted that polling preparations and processes were better organized than in past elections, the prevalence of biased progovernment media, deficiencies in voter registration processes, and the MPLA's use of public resources in its campaign disadvantaged the opposition. There were also reports of postelection violence in some locations.

Alleging grave irregularities at the National Election Commission (CNE), including manipulation of the vote count, opposition leaders called the 2017 polls fraudulent and jointly disputed the results. The Constitutional Court dismissed their claim, citing a lack of evidence. Opposition figures elected to the National Assembly ultimately took their seats, prompting intense criticism from their political base.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The law states that the makeup of the CNE should reflect the disposition of power in the National Assembly, which gives an advantage to the MPLA. The political opposition, in its

challenge of the 2017 election results, cited serious misconduct and a lack of transparency on the part of the CNE.

The opposition rejected the February 2020 nomination of the new CNE president, citing a lack of independence from the MPLA, past cases of corruption, and alleged fraud committed during the process of his appointment. He was later confirmed by the MPLA-led National Assembly; opposition protesters defied a ban on demonstrations in Luanda to oppose the confirmation, and were met with violence by police.

In 2021, President Lourenço unexpectedly initiated a constitutional review, proposing more than 40 constitutional amendments. Civil society groups and the opposition have criticized many of the proposed amendments, saying that the opposition and wider Angolan society have not been adequately consulted. However, the MPLA majority in the parliament is sufficiently large to amend the constitution without the support of any opposition parties, and the bill remained under consideration at year's end.

In September, the parliament unanimously passed amendments to the voter registration law, including provisions allowing Angolan citizens living abroad to vote in the upcoming 2022 elections. The National Assembly also voted to amend the law on general elections. The bill, which includes provisions that would centralize vote counting, was rejected by the opposition, but was passed by the MPLA majority in September. The opposition considers the amendments to constitute "electoral fraud," saying that its provisions reduce electoral transparency. President Lourenço sent the draft law back to parliament later that month, but subsequent changes to the bill were deemed insufficient by the opposition and civil society organizations. Lourenço signed the amendments into law in November after the National Assembly passed the bill a second time.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

While there is a multiparty system in place, competition is limited. The process for creating new political parties is fraught with bureaucratic obstacles and attempts at cooptation, factors that severely hinder public confidence in new parties.

Citing irregularities in the process, in August 2020 the Constitutional Court rejected the legalization of a new opposition party, PRA-JA Servir Angola, led by Abel Chivukuvuku. The decision also placed bureaucratic limits on the ability of Chivukuvuku and the party's other promoters to attempt to establish a new, different party in the coming years. Chivukuvuku appealed the court's decision, but PRA-JA Servir Angola had still not been granted legal status as a party by the end of 2021.

In 2021, PRA-JA Servir Angola and opposition parties UNITA and the Democratic Block (BD) announced that they had formed a coalition, the United Patriotic Front (FPU), to contest the 2022 elections.

In October, the Constitutional Court ruled that the 2019 election of Adalberto da Costa Jr. as UNITA party leader was illegal. UNITA reelected Costa as party leader in December with over 96 percent of the vote.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

There is little space for the opposition to increase its parliamentary representation, much less gain power through elections. Angola has never experienced a transfer of power

between rival parties. Nevertheless, opposition parties have been building public support in recent years, particularly in and around the capital, Luanda.

No municipal elections are held in the country for opposition parties to contest, though the national government has been working to change this since 2015. However, citing delays in voter registration, in September 2020 authorities announced the postponement of local elections set for later in the year. The elections were postponed again in 2021. Some analysts have attributed the delays to government reluctance to relinquish the power to appoint subnational officials.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

MPLA-aligned economic oligarchies nurture a system of dependency and patronage that can subvert candidates' and voters' ability to freely express their political choices.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

While societal pressures can discourage women from active political participation, women's rights advocates have an increasingly vocal presence in political life.

Government and state institutions are controlled by the MPLA, which draws much of its support from the Kimbundu ethnic group, while the Ovimbundo and Kikongo ethnicities are predominant, respectively, in UNITA and the National Liberation Front of Angola (FNLA).

Discussion of issues affecting LGBT+ people have historically been considered taboo, and such topics have been absent from political debate. This has changed somewhat with the parliament's adoption of a new penal code that decriminalized same-sex relations in January 2019.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The country has been ruled by the MPLA since independence in 1975, and the president is expected to consult routinely with the party's political bureau.

Executive powers are broad and varied, leaving the parliament to act largely as a rubber stamp in approving the president's policies. Like his predecessor, President Lourenço frequently adopts legislation by presidential decree.

C2. Are safeguards against official corruption strong and effective? 1 / 4

After decades of MPLA rule, corruption and patronage have become entrenched in nearly all segments of public and private life. President Lourenço has repeatedly stressed his willingness to fight endemic corruption since his 2017 election campaign, and a few high-profile dos Santos-era officials have been convicted of corruption, including, in 2020, José Filomeno dos Santos, the son of the former president. The Supreme Court upheld his conviction on appeal in November 2021. His sister, Isabel dos Santos—who has been accused of siphoning public funds from the state oil firm, Sonangol—was ordered to return \$500 million in shares to Sonangol by an international arbitration court in July.

Other figures under judicial inquiry and facing seizure of assets include two close aides of the former president, Manuel Hélder Vieira Dias "Kopelipa" and Leopoldino do Nascimento. Carlos São Vicente, the former head of Sonangol, the epicenter of corruption during the Santos era, has been detained on charges of corruption since late 2020. However,

prosecution of high-profile individuals not directly connected to the family of former president dos Santos has seldom led to trial.

C3. Does the government operate with openness and transparency? 0 / 4

Government operations are generally opaque. In 2018, the government announced the formation of the National Oil, Gas, and Biofuels Agency (ANPG) to oversee the industry beginning in February 2019. However, its leadership has been sourced from Sonangol.

CIVIL LIBERTIES: 20 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

The Angolan state owns most media in the country, and state-owned media report favorably on the government and rarely carry critical coverage. Most ostensibly private outlets also act as mouthpieces of the regime. However, foreign news outlets, including Portuguese news agency Lusa, French news agency RFI, and Voice of America (VOA), are widely read.

In 2020, the government privatized a number of outlets they said were owned by members of the political and military elite but funded by the state. Journalists' groups expressed concern about a lack of transparency regarding the privatizations, and afterward, about claims that reports critical of the government had been censored at several of those outlets.

Insult and defamation are both considered criminal offenses. The criminal code also includes "abuse of press freedom," a charge that can be levied against those accused of engaging in incitement, hate speech, defense of fascist or racist ideologies, or "fake news."

In September 2021, the Provincial Court of Luanda convicted the editor of an online news outlet on charges of "criminal defamation, injurious denunciation, and violating press freedom." In response, the Committee to Protect Journalists (CPJ) called on Angolan authorities to stop pursuing criminal defamation cases against members of the press. Several other journalists were targeted throughout the year with lawsuits brought by government officials accusing them of slander and defamation; many independent journalists have denounced such action as "persecution" by the authorities.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees religious freedom, but the government imposes onerous criteria on religious groups for official recognition, which is required for the legal construction of houses of worship. Notably, many Pentecostal churches—which have had a profound social impact in Angola—remain unregistered.

There are no registered Muslim groups, though Muslim communities have been vocal in their demands for recognition and the right to worship freely.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academics must maintain a façade of agreement with the MPLA's preferred narratives and refrain from open criticism of the party, or risk losing their positions. Those who voice dissent are often monitored by security services.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Fear of retribution for expressing criticism of the government or controversial opinions in private conversations persists in Angola. Self-censorship is common, fueled by concerns

that a perceived intent to organize against the government could result in reprisals. Known surveillance of civil society groups, journalists, and academics can leave people reluctant to speak out. The government actively monitors online activity.

The results of an Afrobarometer poll, released in August 2020, indicated that 32 percent of individuals surveyed considered themselves “not at all free” to express their political views, and another 16 percent said they felt “not completely free.” Together, this was greater than the percentage of individuals who said they considered themselves totally or partially free to express such views.

Opposition party youth organizations claim that repression of political dissent has increased in recent years, citing several instances of arbitrary arrests and intimidation of government critics by state security forces.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12

E1. Is there freedom of assembly? 1 / 4 (-1)

Constitutional guarantees of freedom of assembly are poorly upheld. While the Lourenço administration initially showed more tolerance for public demonstrations than its predecessor, peaceful marches are still frequently met with violence and arrests by the security forces. Throughout 2020, police violently dispersed and made arrests at protest marches, at times resulting in several unlawful killings by security forces. Separatists in the oil-rich Cabinda region were also targeted by the government.

In January 2021, security forces launched a violent crackdown on a peaceful protest organized by the Lunda Tchokwe Protectorate Movement (MPPLT) in Angola’s Lunda Norte province. At least a dozen protesters were killed by police, though local human rights groups have suggested that the true number of those killed is significantly higher; several other activists reportedly “disappeared” following the incident. Videos circulated on social media allegedly show police forces using indiscriminate force against fleeing protesters and several who had been detained. Two senior officers implicated in the crackdown were later dismissed.

Score Change: The score declined from 2 to 1 because of continued violent crackdowns on peaceful protesters by security forces using indiscriminate and lethal force.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) working on human rights and governance are closely monitored. The MPLA traditionally made vocal attempts to discredit their work and sometimes threatened such groups with lawsuits and outright closure, prompting many to curtail their activities. However, the environment for NGOs has improved since 2018, with reduced interference and a greater willingness on the part of the government to engage in dialogue with civil society groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Certain employees who provide services considered essential—including prison guards and firefighters, but also workers in the oil sector—may not legally strike. Unions not associated with the MPLA have faced interference and harassment. However, the government has allowed more strikes to proceed without interference or repression in recent years.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

The president appoints Supreme Court judges to life terms without legislative input. Corruption and political pressure from the MPLA contribute to the judiciary's general ineffectiveness and undermine its independence.

A constitutional review, proposed by President Lourenço in March 2021 and initiated in August, contains provisions for amendments that would elevate the Supreme Court over the Constitutional Court, which critics say threatens to weaken the judicial system and jeopardize its independence. Manuel Aragão, the former chief of the Constitutional Court, strongly opposed these amendments, and resigned his position in August. Lourenço appointed then secretary of state Laurinda Cardoso, an MPLA official, to the role; opposition figures have expressed concern that her appointment has allowed the MPLA to exercise increased control over the courts.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are poorly upheld. Many defendants are unable to afford legal counsel, and the state largely fails to provide qualified legal aid to those who need it. Arbitrary arrest and lengthy pretrial detention remain problems.

Legal representatives for several leading political activists in Cabinda who were detained in 2020 claimed violations of judicial procedures by local authorities and courts. Shortly after the crackdown on MPPLT protesters in January 2021, MPPLT's leader, José Zecamutchima, was arrested. Zecamutchima, who was accused of rebellion and conspiracy, remained in detention at year's end; in September, his lawyer claimed that more than 400 people allegedly involved in the January protests also remained in police custody.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Security forces enjoy impunity for violent acts, including torture and extrajudicial killings committed against detainees, activists, and others. Angolan prisons are reported to be overcrowded, unhygienic, lacking in necessities, and plagued by sexual abuse. According to government statistics, violent crime, including robberies, assaults, and homicides, has increased in Luanda in recent years.

The low-level separatist insurgency in the isolated Cabinda region continues to pose a security threat. The Front for the Liberation of the Enclave of Cabinda (FLEC) claims to have engaged in guerrilla activity against Angolan soldiers, but the government has not verified these claims.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women face discrimination in the workplace that makes it difficult for them to rise to senior positions. There have been reports of abuse of women and children accused of practicing witchcraft.

Same-sex relations were banned in Angola until January 2019, when the parliament adopted a new criminal code that did not include a historical "vices against nature" statute. Lawmakers also banned discrimination based on sexual orientation the same month.

Seminomadic Khoi and San tribes in southern provinces have been particularly hard-hit by a prolonged drought, which has been largely ignored by the government. The crisis was further aggravated by the COVID-19 pandemic.

Security forces allegedly harass and abuse immigrant communities, and the government has failed to adequately protect refugees and asylum seekers. UN representatives expressed

concern about the forced expulsion of Congolese migrants in 2020, suggesting it violated international directives on the treatment of refugees.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Several organizations have been working to remove land mines that were placed during Angola's 1975–2002 civil war. Land mines inhibit agriculture, construction, and freedom of movement, particularly in rural areas.

There have been reports by local NGOs that the authorities and private security groups that guard Lunda Norte Province's diamond mines restrict the movements of local residents.

The process for securing entry and exit visas remains difficult and mired in corruption. Bribes are frequently required in order to obtain employment and residence.

Restrictions on movement and other activity enacted in response to the COVID-19 pandemic were often violently enforced, with Amnesty International and local NGOs reporting at least 7 resulting deaths in 2020.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Predatory elites tend to either disrupt or coopt emerging new businesses. Authorities have at times expropriated land and demolished homes without providing compensation. Customary law practices can leave women with unequal inheritance rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Domestic violence is widespread in Angola, and perpetrators are rarely prosecuted. Child marriage remains common, particularly in rural areas.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Public oil revenues are not equitably distributed or used to benefit the entire population. Rural regions in particular have inadequate infrastructure and access to services, leading to inequities in economic opportunity.

Child labor is a major problem, and foreign workers are vulnerable to sex trafficking and forced labor in the construction and mining industries. The authorities have failed to effectively investigate human trafficking or prosecute offenders.

Antigua and Barbuda

Population: 100,000

Capital: St. John's

Freedom Status: Free

Electoral Democracy: Yes

Overview: Antigua and Barbuda is a democracy that holds regular elections. Corruption in government is a concern, and women and LGBT+ people are underrepresented in politics and experience some discrimination. In 2017, Hurricane Irma devastated Barbuda: the entire island was evacuated, and many residents lost their livelihoods; some have yet to return

home as house rebuilding continues. The government has sought to weaken the island's longstanding system of communal land rights.

KEY DEVELOPMENTS IN 2021

- In March, the Barbuda People's Movement (BPM) won all five seats on the Barbuda Council. The vote illustrated the deepening divisions between Barbudan people and the national government of the Antigua and Barbuda Labour Party (ABLP), which have been at odds since a 2016 law removed communal land ownership of Barbuda from the Barbudan people.
- In June, Indian-born Mehul Choksi, who had previously purchased Antiguan citizenship through the Citizenship by Investment Programme (CIP) and has been wanted on fraud charges in India since 2018, was arrested in Dominica after entering illegally from Antigua. Critics raised questions about the level of due diligence the Antiguan government gave when granting him citizenship, as well as the legal impediments to revoking it.

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The country's 1981 constitution establishes a parliamentary system, with a governor general representing the British monarch as ceremonial head of state. The prime minister is the head of government and is typically the leader of the majority party elected to Parliament. ABLP leader Gaston Browne maintained his position as prime minister after his party won a majority in the 2018 parliamentary elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral parliament is composed of a 17-seat Senate, whose members are appointed by the governor general, and the House of Representatives, whose 17 members are directly elected in single-seat constituencies, by means of a simple majority; representatives serve five-year terms.

The governing ABLP took 59 percent of the total vote and won 15 constituencies in the 2018 elections. The main opposition United Progressive Party (UPP) took 37 percent of the vote, but only one constituency. The BPM won the Barbuda constituency. Observers deemed the polls generally competitive and credible. Turnout was high, at 76 percent. The Barbuda Council also holds regular elections, most recently in March 2021, when the BPM won all 5 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair and are implemented impartially by the relevant election management bodies. However, since 1984, the electoral boundaries of Antigua and Barbuda have shifted only slightly, which has created a significant disparity in the range of constituency sizes: from 1,138 (St. Phillip South) to 4,878 (St. George).

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties can organize and operate freely. While there are several small political parties in the country, elections have been won by either the ABLP or the UPP since 1994.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are realistic opportunities for opposition parties to increase their support or gain power through elections. Power has alternated frequently between the ABLP and UPP.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are generally free from the influence of nondemocratic actors. However, a lack of transparency for party and campaign financing has given rise to concerns about the potential influence of unknown domestic and foreign interests over political candidates. The most significant case was that of R. Allen Stanford, a United States citizen, who was an influential figure in Antigua and used the country to run a multibillion-dollar Ponzi scheme. Separately, the Brazilian multinational Odebrecht SA purchased Meina Bank (Antigua) Ltd in 2010 as part of its scheme to bribe government officials in various countries.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in politics, and only two women were elected to the House of Representatives in 2018. LGBT+ people are marginalized and face discrimination, impacting their ability to engage fully in political processes.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The elected prime minister, cabinet, and parliament determine government. There are some concerns about the influence of businesses on policymaking.

Tensions between the central government and residents and representatives from Barbuda have grown since the 2016 dissolution of the Barbuda Land Act of 2007, which guaranteed that land on Barbuda was communally owned by Barbudans and that their consent was required for its purchase and development. The 2016 law allows privatization without communal consent. The Council has resisted the Browne government's plan to build a multimillion-dollar resort on the island due to concerns over potential environmental damage. The rising tensions led to the Council calling for the secession of Barbuda in August 2020. The next month, the government accused the Council of treason and threatened to remove it from the country's constitution by means of a referendum. Relations remained difficult throughout 2021.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Government corruption remains a concern, and anticorruption laws are enforced unevenly. Authorities have been criticized for doing little to investigate local official wrongdoing in the case of R. Allen Stanford. Several other company officials have faced justice, but only in the United States. Similarly, few prosecutions have emerged from the Odebrecht corruption scandal.

Antigua's Citizenship by Investment Programme (CIP) and Permanent Residence Certificate (PRC), in which individuals can be granted citizenship or residency in exchange for a sizable business investment or contribution, have been heavily scrutinized in recent years.

In June 2021, Indian-born Mehul Choksi, who had previously purchased Antiguan citizenship through the CIP and was wanted on fraud charges in India since 2018, was arrested in Dominica after entering illegally from Antigua. Critics raised questions about the level of due diligence the Antiguan government gave when granting him citizenship, as well as the legal impediments to revoke it. In October, journalists uncovered that a Nigerian couple at the heart of a sizeable Ponzi scheme in Nigeria had obtained Antiguan citizenship and passports through the CIP.

C3. Does the government operate with openness and transparency? 3 / 4

The government of Antigua and Barbuda has gradually improved its accountability structures. The Public Accounts Committee can expose governmental improprieties and wrongdoings, but historically has not functioned effectively. The auditor general has several times submitted its yearly report after lengthy delays. Public officials must disclose all income, assets, and personal gifts received in their official capacity in a confidential report to the Integrity Commission. Resource deficiencies have impeded the commission's ability to investigate corrupt individuals. Despite the Procurement and Contract Management Act of 2011, concerns remain about public procurement in relation to the expertise of officials in positions mandated by the law, the completeness of documentation, and that some applications are made retrospectively, with often a waiver being requested.

Accountability for elected officials has increased somewhat in recent years. In January 2020, Minister of Agriculture, Fisheries and Barbuda Affairs Dean Jonas was suspended for six months after allegations that he mistreated staff.

CIVIL LIBERTIES: 52 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Press freedom is generally respected in Antigua and Barbuda. Criminal defamation was abolished in 2015. However, under the Sedition and Undesirable Publications Act, seditious libel is a criminal offence punishable by a maximum of two years in prison and a maximum fine of \$5,000. Critical journalists remain at risk of libel suits from unhappy politicians. The prime minister has characterized the frequently critical *Observer* as “fake news” and a threat to the country.

Most media outlets are concentrated among a small number of firms affiliated with either the current ABLP government or the UPP.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of worship as well as the right to practice and change religion, and these freedoms are generally respected. A law outlawing blasphemous language is not enforced.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is guaranteed under the constitution, and the government generally respects these rights in practice. In August 2021, riot police dispersed demonstrators protesting the government's COVID-19 vaccination policy requiring public sector workers to be vaccinated or take a test every fourth night. Authorities claimed that the protesters had not been issued the necessary permit; other political demonstrations were allowed to proceed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

The country's few nongovernmental organizations (NGOs) are active, though inadequately funded and often influenced by the government.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Labor unions can organize freely and bargain collectively. Workers providing essential services must give notice two weeks before intent to strike. However, the International Labour Organization (ILO) has described the list of essential services as excessively broad. Strikes are rare. The introduction of a mandatory vaccination program for the public and parts of the private sector in September 2021 provoked significant opposition from labor unions. The government subsequently loosened COVID-19 related restrictions.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The constitution provides for an independent judiciary, which is generally respected by the government. In 2018, voters rejected in a referendum the adoption of the Caribbean Court of Justice as their highest appellate court. Thus, the Judicial Committee of the Privy Council, based in London, retains that role.

In recent years, the courts have increasingly asserted independence from the ABLP government—which had a history of manipulating the judicial system—with the support of the Eastern Caribbean Supreme Court. The High Court of Justice has issued several rulings that have slowed government-backed development plans for Barbuda. In October 2020, the Court of Appeal ruled that the Privy Council should decide whether the Antiguan government or the Barbuda Council controls land sales on Barbuda.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Constitutional guarantees of due process are mostly upheld. However, prisoners on remand often remain in jail for an average of three to four years before their cases are heard.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Residents of Antigua and Barbuda do not face any significant security threats. However, there were 16 homicides in 2021, a significant increase from the 9 in 2020. Prisons are severely overcrowded, and conditions within them are poor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The 2005 Equal Opportunity Act bars discrimination based on race, gender, class, political affinity, or place of origin. There are no specific laws prohibiting discrimination against

people with disabilities, or LGBT+ individuals. Societal norms discourage participation of women in some sectors of the economy, and few women hold leadership positions in businesses. Further, violence against women remains a significant problem.

Same-sex sexual activity remains criminalized under a 1995 law; however, the law is not strictly enforced. In March 2021, a constitutional challenge was launched against Antigua's law criminalizing anal sex, which has been used to target gay men, as part of the defense of two men accused of sexually assaulting a woman.

Mental health services require improvement and people with physical disabilities are stigmatized and underemployed.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Many Barbudans forced to evacuate the island due to Hurricane Irma in 2017 opposed moves by lawmakers in Antigua to eliminate the communal land ownership system that governed the island for almost two centuries, and instead establish private land ownership. The government argues that the change is necessary to assist Barbuda's recovery.

The development of a multimillion-dollar private resort on Barbuda, led by the Peace Love and Happiness partnership, has driven tensions between the Browne government and Barbudan population and their representatives, who are concerned about the environmental impacts of the development. The Browne government has threatened those who attempt to obstruct the plans with jail time.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The Domestic Violence Act of 2015 strengthened punishments for perpetrators of domestic violence and laid out a process for victims to obtain an order of protection. However, domestic violence remains a serious problem. Same-sex marriage and civil partnerships are not recognized. In November 2020, local advocacy groups called for the Minister of Gender Affairs Dean Jonas to resign after he suggested that girls who are still legal minors could consent to having sex with older men.

In October 2021, activists called for an evaluation of reporting mechanisms for sexual violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Antigua and Barbuda is a destination and transit country for the trafficking of men, women, and children for the purposes of forced labor and sexual exploitation. Government efforts to address the problem are inadequate, but progress is being made, according to the US State Department's 2021 *Trafficking in Persons* report. Compulsory labor is prohibited by law.

Argentina

Population: 45,700,000

Capital: Buenos Aires

Freedom Status: Free

Electoral Democracy: Yes

Overview: Argentina is a vibrant representative democracy with competitive elections, lively media and civil society sectors, and unfettered public debate. Economic instability, corruption in the government and judiciary, and drug-related violence are among the country's most serious challenges.

KEY DEVELOPMENTS IN 2021

- The center-right Together for Change (JxC) bloc performed well in the November legislative elections, winning more at-stake seats than the ruling Front for Everyone (FdT) bloc of President Alberto Fernández in both houses. However, the FdT maintained pluralities in both houses after the polls.
- Media outlets came under physical attack during the year. In February, the offices of *Río Negro* were ransacked by a crowd that included members of a labor union; the newspaper had covered a sexual-harassment case against the leader of one of a union branch. In November, the Buenos Aires headquarters of the Clarín Group was firebombed, causing minor damage.
- In December, former president Mauricio Macri faced charges for allegedly ordering the surveillance of family members of sailors who died in a 2017 submarine sinking. Macri denied the charges, calling them politically motivated.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Argentina is a federal republic with a presidential system. The president serves up to two four-year terms. Candidates can be elected in one round if they obtain at least 45 percent of the vote, or earn more than 40 percent with a 10-point lead over the second-place contestant.

The October 2019 election was deemed free and fair by domestic and international observers. Center-left candidate Alberto Fernández won in the first round with 48.2 percent of the vote, defeating incumbent Mauricio Macri, who obtained 40.3 percent. Fernández was viewed as benefiting from having former president and Peronist Cristina Fernández de Kirchner (no relation) as his vice presidential candidate.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The National Congress consists of a lower house, the Chamber of Deputies, and an upper house, the Senate. The Chamber of Deputies has 257 members elected for four-year terms, while the Senate has 72 members elected for six-year terms. Half of all deputies and a third of senators are up for election every two years through a proportional-representation system with closed party lists. Legislative contests are generally free and fair.

The FdT did poorly in the November 2021 legislative elections, the results of which represented an end to a decades-long majority for Peronist-led coalitions. The FdT won 50 at-stake lower-house seats, while the JxC won 61; the FdT maintained a narrow lower-house plurality. The JxC won 14 at-stake Senate seats, while the FdT won 9; after the elections, the FdT held a total of 35 Senate seats, while the JxC held 31. The FdT notably lost ground in Buenos Aires Province, while the left-wing Workers' Left Front and the far-right Freedom Advances did well nationally.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Argentina has a clear and relatively fair framework for conducting elections. There is universal suffrage: Voting is compulsory for people between 18 and 70 years old, and voluntary for people between 16 and 18, or older than 70.

However, the system suffers from shortcomings including inconsistent enforcement of electoral laws and campaign finance regulations. An outdated electoral system mandates that each party print and distribute its own paper ballots on election day, providing opportunities for abuse and favoring larger parties.

Aspects of election management fall under the purview of the executive branch; National Electoral Chamber works in conjunction with the National Electoral Directorate, a department of the Interior Ministry.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Argentina has competitive political parties that operate without encountering undue obstacles. Primary elections are mandatory for presidential and legislative elections, and only party candidates that obtain 1.5 percent of the national vote in primary elections can contest general elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Argentina's multiparty system affords opposition candidates the realistic opportunity to compete for political power. Opposition parties command significant popular support and hold positions in national and subnational government. The center-right JxC bloc performed well in the November 2021 polls, though the ruling FdT maintained legislative pluralities.

The 2019 presidential election marked a return of Peronism; former president Macri was the only non-Peronist to complete a presidential term since 1928.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Argentiniens' political choices are generally free from domination by democratically unaccountable groups. However, political choices are influenced by voter intimidation and clientelism, particularly in poorer regions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Members of ethnic and religious minority groups have full political rights in Argentina. The constitution mandates gender equality in political-party and elected positions. A

Ministry of Women, Genders, and Diversity (MMGD), which promotes equality and combats gender-based violence (GBV), was formed in 2019. In practice, poorer Argentiniens, ethnic minorities, and Indigenous people have limited access to political power.

All National Congress party lists must respect full gender parity by law, with men and women alternating. After the November 2021 elections, women held 44.8 percent of lower-house seats and 43.1 percent of upper-house seats.

Women are poorly represented in the cabinet. Only two women serve as ministers, including the MMGD minister. Men dominate national-level judicial and political positions. Only 2 of Argentina's 24 provinces are led by female governors.

LGBT+ people are well represented in Argentina. Legal protections for LGBT+ people are robust. Argentina was the first country in the Americas to legalize same-sex marriage.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials are duly installed without interference. However, the political system is characterized by a powerful executive, with the president having authority to implement some policies by decree, bypassing the legislative branch. Provincial governors are also powerful and tend to influence national lawmakers representing their provinces.

Vice President Fernández de Kirchner is the driving force behind the electoral coalition that brought President Fernández to power, and handpicked him as the presidential candidate. Several ministers and lawmakers answer personally to her.

C2. Are safeguards against official corruption strong and effective? 2 / 4

A weak institutional framework hampers anticorruption efforts. For instance, the country's main anticorruption agency is part of the executive. Further, many politicians hold immunity in connection with their elected posts, and are thus protected from legal consequences for corrupt behavior.

The judiciary system is widely considered to be politicized, especially at the provincial level. Convictions against members of the political class who were accused of malfeasance in recent years remain rare.

Vice President Fernández de Kirchner faces numerous investigations for alleged corruption during her 2007–15 presidential term and has been indicted on several occasions. The government has attacked the Supreme Court and the judiciary for adjudicating corruption cases involving the vice president and other *kirchnerista* officials.

C3. Does the government operate with openness and transparency? 3 / 4

An agency to guarantee access to public information was created by law in 2017 but is not independent from the presidency. Adherence to and enforcement of public-asset disclosure regulations is inconsistent. The health emergency declared in March 2020 relaxed procurement regulations, reducing transparency in government purchases.

The national government has endeavored to digitize records and procedural documents, but local and provincial governments have been slower in this work.

CIVIL LIBERTIES: 49 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

The law guarantees freedom of expression and bans official censorship. There is a robust and lively media environment. However, media ownership is concentrated among large

conglomerates that frequently favor a political grouping, and state-advertising allocation tends to favor government-friendly media groups. Journalists face occasional harassment and violence, especially when covering LGBT+ issues, corruption, and drug-related criminality. Some journalists have faced charges in connection with their investigative work.

In February 2021, the Committee to Protect Journalists (CPJ) reported that authorities in Formosa Province regularly harassed, detained, and intimidated media workers during the pandemic-related lockdown.

Media offices were physically targeted during 2021. In February, 100 people, including members of the Argentine Workers' Central Union, ransacked the offices of *Río Negro*. The newspaper had reported on a sexual-harassment case against the leader of a union branch. In November, the Buenos Aires headquarters of the Clarín Group was firebombed, though only minor damage was reported.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally guaranteed and enforced in practice. The population is largely Roman Catholic but public education is secular, and religious minorities express their faiths freely.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is guaranteed by law and largely observed in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is vibrant and largely unrestricted. However, the government has been known to monitor social media activity; it launched “cyberpatrols” to combat COVID-19-related disinformation in 2020.

In December 2021, former president Macri was charged with ordering the surveillance of the family members of 44 sailors who died when their submarine sank in 2017. Macri denied the charges, calling them politically motivated.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is generally respected, and citizens frequently organize protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations generally operate without restrictions. Civic organizations, especially those focused on human rights and abuses committed under the 1976–83 dictatorship, play a major role in society, although some fall victim to corruption.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Organized labor is dominated by Peronist unions, and union influence remains significant, although it has decreased in recent years. Most labor unions have been controlled by the same individuals or groups for decades, and internal opposition to union leadership has been limited by fraud and intimidation.

F. RULE OF LAW: 10 / 16**F1. Is there an independent judiciary? 2 / 4**

The Supreme Court is relatively independent and has resisted executive overreach during the Fernández de Kirchner, Macri, and Fernández administrations. However, lower and province-level courts have close ties with political actors and engage in corrupt practices. Since taking office, President Fernández and Vice President Fernández de Kirchner have attacked the judiciary for its alleged bias and proposed legal reforms that, if enacted, could diminish judicial independence.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The right to due process is constitutionally protected and generally upheld. However, security officers and some judges are suspected of maintaining criminal ties. Prisons are overcrowded and inmates live in unsuitable conditions. Some are permanently held in police stations; in April 2021, the Supreme Court ordered a provincial court to address the issue in Buenos Aires Province. Pretrial detainees represented 44.6 percent of the country's prison population in 2020.

In June 2021, the attorney general's office reported that a total of 1,030 convictions for crimes committed during the 1976–83 dictatorship were attained.

In March 2021, President Fernández reversed a decree signed by Macri in 2017 that allowed for the deportation of foreigners who were subject to criminal legal proceedings.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Argentina's murder rate is low compared to other Latin American countries, but violence from criminal groups and from the security forces remains a serious issue. International criminal organizations use Argentina as both an operational base and a transit route; the northern and central regions are particularly affected. The port city of Rosario has been at the center of a spike in drug-related violence and unrest that has featured armed attacks against courts and intimidation of public officials.

Police misconduct, torture, and brutality against suspects in custody is endemic. Arbitrary arrests and abuses by police are rarely punished in the courts, and police officers commonly collude with drug traffickers. Enforcement of the coronavirus-induced lockdown led to a rise in cases of excessive force, especially against the poor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Argentina has robust antidiscrimination laws, but enforcement is uneven outside well-off urban areas. Indigenous peoples, who comprise approximately 2.4 percent of the population, face government neglect, disproportionate levels of poverty, and poor access to services, all of which were aggravated by pandemic-related lockdowns. Displays of xenophobia against migrants and race-based discrimination are common. Women enjoy legal equality, but continue to face economic discrimination and gender-based wage gaps.

Argentina's LGBT+ population enjoys full legal rights, including marriage, adoption, and the right to serve in the military. In July 2021, a presidential decree recognized nonbinary identities by allowing a third gender option in national identification documents. At the same time, LGBT+ people face some degree of societal discrimination, and occasionally, serious violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The government generally respects citizens' constitutional right to travel both inside and outside of Argentina. People are free to change their place of education or employment.

Argentina implemented one of the world's strictest and most prolonged COVID-19 lockdowns. Bans and restrictions on domestic and international travel were sometimes arbitrary and gave way to abuses; security officers used disproportionate force to enforce measures. Authorities in Formosa Province were especially strict, with travelers forced into quarantine under wide-ranging measures. A strict national lockdown was imposed for part of May 2021. In September, the government ended most pandemic restrictions, including border controls.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Citizens generally enjoy the right to own property and establish private businesses. However, cumbersome regulations, bureaucratic abuses, and corruption affect the private sector at all levels.

Approximately 70 percent of the country's rural Indigenous communities lack titles to their lands, and forced evictions, while technically illegal, still occur. Indigenous communities continue to struggle to defend their land rights and reclaim traditional lands.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Argentines enjoy broad freedom regarding marriage and divorce. Same-sex marriage and adoption by same-sex couples were legalized in 2010. A 2012 gender-identity law allows people to legally change their gender.

GBV remains a serious problem, which worsened when COVID-19 measures were imposed. Calls to a government hotline rose by 18 percent during the March-to-October 2020 period compared to the same period in 2019; calls increased 13 percent in the first quarter of 2021 over the first quarter of 2020.

In 2020, the National Congress legalized abortions up to the 14th week of pregnancy, a development with few precedents in Latin America.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Argentines face high poverty rates, which worsened due to lockdown restrictions. The poverty rate stood at 40.6 percent in the first half of 2021; 10.7 percent of people lived in extreme poverty.

Forced labor of Argentinians and citizens of neighboring countries is high in sectors such as garment and brick production, agriculture, domestic work, and street vendors. Half of the Argentinian workforce is informally employed and lacks legal protections. Sex trafficking is a serious concern, and efforts to combat it have been hindered by corruption and the complicity of some officials according to the US State Department's *Trafficking in Persons Report 2021*.

Armenia

Population: 3,000,000

Capital: Yerevan

Freedom Status: Partly Free

Electoral Democracy: No

Note: The numerical scores and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Armenia is in the midst of a significant transition following mass antigovernment protests and elections in 2018 that forced out an entrenched political elite. The new government has pledged to deal with long-standing problems including systemic corruption, opaque policymaking, a flawed electoral system, and weak rule of law. The country continues to be seriously affected by the 2020 conflict with Azerbaijan, which saw several months of fighting over control of the territory of Nagorno-Karabakh.

KEY DEVELOPMENTS IN 2021

- In February, the Armenian military demanded the resignation of Prime Minister Nikol Pashinyan following the dismissal of the country's top military officer, leading to widespread antigovernment protests. Pashinyan initially refused to resign, and accused the army of attempting a coup, before resigning in April to trigger snap elections.
- Snap parliamentary elections were held in June, following a months-long political crisis sparked by the defeat of Armenian forces in the 2020 Nagorno-Karabakh conflict. Pashinyan remained in his post as prime minister when his Civil Contract Party (KP) won a parliamentary majority; two new electoral blocs, both under the leadership of former presidents, filled the remaining parliamentary seats.
- In May, Azerbaijani forces advanced across the border into Armenia, reigniting the conflict and creating serious security concerns in the border regions. In November, large-scale hostilities broke out along the border, resulting in more than a dozen casualties from both sides, and the capture of 32 Armenian soldiers.

POLITICAL RIGHTS: 23 / 40 (+1)

A. ELECTORAL PROCESS: 7 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

In 2015, voters approved constitutional changes that, among other things, transformed the country from a semipresidential to a parliamentary republic. The president, who had been directly elected for up to two five-year terms, would henceforth be chosen by the parliament for a single seven-year term, and most executive power would shift to the prime minister, who would also be chosen by a parliamentary majority. In 2018, the parliament elected diplomat Armen Sarkissian to the presidency.

Executive elections held before 2018 were dominated by the Republican Party (HHK), with incumbent elites benefiting from the abuse of administrative resources and severe limitations imposed on opposition candidates. However, Pashinyan swept the December 2018 parliamentary elections, which were markedly freer and fairer than elections in previous years.

In June 2021, Pashinyan's Civil Contract Party won a majority of seats in the snap elections, allowing him to retain his position as prime minister. Though Pashinyan's win was contested by the opposition, the Constitutional Court upheld the election results, and international observers considered the elections to be free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The National Assembly consists of a minimum of 101 members elected for five-year terms under a newly adopted closed list proportional representation system, simplifying the previous two-tier proportional representation system. Up to four additional seats are reserved for ethnic minority representatives, and further seats can be added to ensure that opposition parties hold at least 30 percent of the seats.

In April 2021, Pashinyan resigned as prime minister, in order to trigger snap parliamentary elections that June. Three parties gained seats in the June parliamentary elections, with Pashinyan's Civil Contract Party winning a stable majority of 71 seats with 53.9 percent of the vote. The new Armenia Alliance, lead by former president Robert Kocharyan, gained 29 seats with 21.1 percent of the vote. Another new bloc, the I Have Honor Alliance, was founded by former president Serzh Sargsyan, and gained 7 seats in the parliament after receiving 5.2 percent of the vote. Though party alliances are required to meet a 7 percent electoral threshold, the threshold was waived for Sargsyan's alliance, as Armenian law mandates that legislature must be composed of no fewer than three parties.

Local and international observers deemed the elections to be competitive, well organized, and fairly administered.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)

Members of the Central Election Commission (CEC) are recommended and then confirmed by the parliament for six-year terms. According to international observers, during the June 2021 elections, the CEC conducted its work in a transparent and efficient manner, meeting all legal deadlines and enjoying a high level of confidence in its capacity to deliver its mandate.

In April 2021, the parliament amended existing electoral laws to reflect recommendations made by the Venice Commission and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The June 2021 snap elections were successfully administered under the reformed system, which eliminated territorial lists, simplifying the existing electoral system. The amendments enjoyed broad support by political forces and civil society; further reforms were adopted in May 2021, and are set to take effect in 2022.

Score Change: The score improved from 2 to 3 because the parliament approved electoral code amendments that addressed a number of weaknesses, in keeping with recommendations from international experts.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties and opposition groups have been able to operate in a much freer environment since 2018.

In January 2021, amendments to the Law on Parties took effect, tying public funding of political parties to female and nationwide representation and capping individual donations.

An unprecedented number of political entities (22 political parties and 4 alliances) took part in the June 2021 snap parliamentary elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Before 2018, elections were highly flawed; the HHK had been the main ruling party since 1997, and opposition groups had little chance of winning power. However, that year's election transformed the political landscape, and elections have become significantly more competitive.

International and local observers deemed the June 2021 snap elections, which saw two opposition alliances gain parliamentary seats, to be competitive.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

In April 2021, the parliament adopted amendments calling for heavier penalties for vote buying, election-related violence, and disrupting the electoral process, and criminalized the obstruction of pre-election campaign activities.

Though the 2021 elections saw a decline in such practices, international observers reported allegations of election disruption, including isolated incidents of vote buying and the misuse of administrative resources.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

A system introduced as part of the 2015 constitutional reforms mandates the inclusion of up to four members of parliament representing ethnic minorities; all four must be elected on a party list. In 2021, Civil Contract won three minority seats representing ethnic Russians, Yazidis, and Kurds, while the Armenia Alliance won one seat representing ethnic Assyrians.

No openly LGBT+ people have run in elections or been appointed to a public office in Armenia. Women remain underrepresented in politics and government, and most parties do little to address women's interests aside from meeting the gender quota on candidate lists.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Through its significant majority, gained in a free and fair election, the Civil Contract Party controlled parliamentary decision-making after the June 2021 snap elections.

Though Pashinyan promised to loosen the influence of business over policymaking, two wealthy businessmen entered the parliament from his party list. Some opposition parliamentarians also maintain close ties to businesspeople.

Since facilitating the November 2020 cease-fire agreement ending the conflict over Nagorno-Karabakh, Russia wields increased influence in Armenia as the main mediator in Armenian-Azerbaijani negotiations.

In February 2021, the Armenian military demanded the resignation of Pashinyan's administration following the dismissal of Tiran Khachatryan, the military's deputy chief of

the general staff. In response, Pashinyan accused the army of attempting a coup, though the military took no further action.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Relationships between politicians, public servants, and businesspeople have historically influenced policy and contributed to selective application of the law. Though such relationships persist, the government has made steady progress in investigating past wrongdoing and fortifying anticorruption mechanisms.

In April 2021, the parliament adopted legislation providing for the creation of an anticorruption court. The government also established a new agency to investigate cases of corruption; the Anti-Corruption Committee (ACC) began operating in October.

However, despite such developments, international bodies, including the UN Human Rights Committee (OHCHR) and the Council of Europe's anticorruption monitoring unit, the Group of States against Corruption (GRECO), have found that serious shortcomings remain in the government's anticorruption strategies; as of 2021, GRECO has deemed the Armenian government's compliance with global corruption prevention standards unsatisfactory.

While law enforcement agencies have initiated a number of high-profile corruption investigations, such cases are slow to progress. In 2021, several high-level corruption cases were initiated, including cases against former president Serzh Sargsyan; Armen Gevorgyan, a former official allied to ex-president Robert Kocharian; former prosecutor general Aghvan Hovsepyan; former police chief Vladimir Gasparyan; and former minister of defense David Tonoyan.

C3. Does the government operate with openness and transparency? 2 / 4

Transparency has historically been limited, and enforcement of asset-declaration rules for public officials has been weak. In 2020, the parliament made strides in enhancing transparency, including by strengthening asset-declaration requirements, though a lack of transparency and accountability persists.

In July 2021, local NGOs spoke out against proposed amendments that would curtail existing freedom-of-information laws, voicing concerns that such amendments would lead to an increase in corruption.

CIVIL LIBERTIES: 32 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

Independent and investigative outlets operate relatively freely in Armenia, and generally publish online. Small independent outlets often provide robust coverage challenging the narratives of state broadcasters and other establishment media. By comparison, most print and broadcast outlets are affiliated with political or larger commercial interests.

The government imposed several new restrictions on journalistic freedoms in 2021, including limiting the free movement of journalists in the parliament and in parts of the Syunik region. These measures have been widely condemned by local and international organizations, and local media organizations have called for an end to government obstruction and harassment of the media.

Violence against journalists also increased in 2021; the Committee to Protect Freedom of Expression (CPFE), a local nongovernmental organization (NGO), counted nearly two dozen instances of violence against members of the media as of October.

In July, the parliament criminalized the act of directing serious insults towards officials and public figures; journalists' associations and human rights NGOs have raised concerns

that the law can easily be abused to curtail free expression and to direct political pressure against media organizations that criticize politicians.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Article 18 of the constitution recognizes the Armenian Apostolic Church as a “national church” responsible for the preservation of Armenian national identity; 94 percent of the population identifies as Armenian Apostolic. Religious minorities have reported some discrimination in the past.

In 2020, the National Security Service (NSS) opened an investigation into Yazidi activist Sashik Sultanyan after he publicly stated that Yazidis experience discrimination in Armenia; international human rights nongovernmental organizations (NGOs) have criticized the investigation as retaliatory and unlawful.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Although the constitution protects academic freedom, administrative and accreditation processes remain open to political influence. There is some self-censorship among academics on politically sensitive subjects.

In March 2021, the parliament issued an executive order allowing the government to appoint most members of the boards of trustees for three of the country’s leading state universities, which enables the authorities to exercise more control over the universities’ key decisions, including the election of university rectors.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is relatively free and vibrant. The law prohibits wiretapping or other electronic surveillance without judicial approval, though the judiciary lacks independence and has been accused of excessive deference to law enforcement agencies requesting consent.

In July 2021, the government criminalized defamation, leading to at least 9 criminal cases being opened against people accused of insulting public figures, including Pashinyan, raising concerns regarding citizens’ ability to fully exercise their right to freedom of expression.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

The right to assemble is legally guaranteed but inconsistently upheld in practice.

Frequent antigovernment protests took place throughout the country in the run-up to the 2021 parliamentary elections. Despite some violent interference by police and the temporary detention of protesters, demonstrations were mostly allowed to proceed without undue obstacles.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Outspoken NGOs operate in Armenia, with most of them based in Yerevan. These NGOs lack significant local funding and often rely on foreign donors. Despite this impediment, civil society was active in the 2018 protests, and has consulted with the government on policy matters, most notably on electoral, constitutional, and anticorruption reform.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The law protects the rights of workers to form and join independent unions, strike, and engage in collective bargaining. However, these protections are not well enforced, and employers are generally able to block union activity in practice.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The courts face systemic political influence, and judicial institutions are undermined by corruption. Judges reportedly feel pressure to work with prosecutors to convict defendants, and acquittal rates are extremely low. The government published a five-year judicial-reform strategy in 2019; reforms continued to be enacted in 2021, though progress has been slow.

In 2021, the parliament adopted a new Criminal Code and a new Criminal Procedure Code; the codes were drafted based on recommendations issued by the Council of Europe, and are intended to better guarantee the protection of citizens' human rights and improve trust in the judicial system. Both Codes will take effect in 2022.

In March 2021, the Constitutional Court dismissed the case against former president Kocharyan on grounds that the charges against him were unconstitutional; Kocharyan had previously stated that the charges he was facing were based on political retaliation by Pashinyan.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Authorities apply the law selectively, and due process is not guaranteed in civil or criminal cases. Lengthy pretrial detention remains a problem, and the Armenian judiciary is largely distrusted by the public.

The raft of corruption investigations aimed at HHK elites and allies have prompted concerns about the ability of the country's judicial and investigative mechanisms to ensure fair application of the law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Reports of police abuse of detainees and poor conditions in prisons persist. After the change in government in 2018, law enforcement agencies renewed dormant investigations into past cases of physical violence by police.

Conditions in areas adjacent to Azerbaijan and Nagorno-Karabakh, an ethnic Armenian-majority territory that previously gained de facto independence from Azerbaijan in 1994, have declined following the 2020 military conflict in the region. Civilians in the region remain at risk of experiencing physical violence.

Azerbaijani forces have continued to occupy areas along the border since late 2020; in May 2021, Pashinyan alleged that Azerbaijani troops had crossed into Armenian territory to provoke further military clashes. In mid-November, large-scale hostilities erupted on the eastern border of Armenia resulting in at least 13 casualties and the capture of 32 Armenian soldiers. Dozens of Armenian prisoners of war reportedly remained in Azerbaijani custody in 2021. Some were reportedly tortured while in detention.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women reportedly face discrimination in employment and education, despite legal protections.

Although same-sex sexual activity was decriminalized in 2003, LGBT+ people continue to face violence and mistreatment at the hands of police and civilians, and no antidiscrimination legislation exists to benefit this group.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4 (-1)

The law protects freedom of movement and the rights of individuals to change their place of residence, employment, and education. In practice, access to higher education is somewhat hampered by a culture of bribery.

Effects of 2020 conflict over Nagorno-Karabakh persisted throughout 2021, continuing to constrain freedom of movement along some border areas. After the November 2020 cease-fire, Azerbaijani forces took control over a 21-kilometer (13-mile) stretch of the Goris-Kapan highway, the only major road connecting the Syunik region to the rest of Armenia, partitioning villages and affecting residents' ability to move freely. In November 2021, Azerbaijani forces built new checkpoints along the road, further curtailing Armenian residents' freedom of movement in the region.

Azerbaijani forces have continued to occupy Armenian territory throughout 2021, and have frequently acted to impede the internal movement of Armenian residents, using threat of force against civilians to exert control. In August, Azerbaijani servicemen erected roadblocks along an interstate highway, blockading a number of Armenian villages for several days. Several further cases of roadblocks and military checkpoints being used to restrict Armenian residents' freedom of movement have been reported; according to the office of the Armenian Human Rights Defender (Ombudsman), there are no viable alternative routes for residents to avoid such interference.

Score Change: The score declined from 3 to 2 because Azerbaijani forces impeded internal movement, in part by occupying Armenian territory and erecting roadblocks.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Economic diversification and simpler regulations have increased the ease of doing business in recent years, but a lack of transparency and persistent cronyism created unfair advantages for those with ties to public officials during the HHK government's tenure. However, much of this has subsided since the 2018 change in government.

Armenian law adequately protects property rights, though officials have not always upheld them in the past.

In 2021, the Ombudsman reported that Azerbaijani military occupation continues to prevent the return of lawful residents to their homes in Armenian border communities, violating their property rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The constitution defines marriage as a union between a man and a woman. Domestic violence is common and not adequately prosecuted, and services for victims are inadequate. A new law on domestic violence that took effect in 2018 placed an emphasis on "restoring family harmony," raising concerns that it would deter victims from leaving dangerous situations. In October 2019, the government introduced amendments to remove that reference

and expand the definition of what constituted domestic violence. In early January 2020, a women's rights activist reported that police became more responsive to domestic violence cases after the law's introduction.

The HHK government signed the Istanbul Convention, a Council of Europe (CoE) document that binds participating countries to bolster their efforts to combat violence against women, in 2018. While the government has not yet ratified the Istanbul Convention, the parliament did approve the ratification of the Lanzarote Convention, a CoE document that requires signatories to address sexual violence against children, in May 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against exploitative or dangerous working conditions are poorly enforced, and about half of workers are employed in the informal sector, where they may be more exposed to such conditions. Armenians are subjected to sex and labor trafficking abroad, and some children in the country work in agriculture and other sectors. Children residing in care institutions face a particularly heightened risk of trafficking. According to the US State Department, the government has made efforts to address trafficking in persons in recent years, in part by raising awareness of the problem and training law enforcement authorities, but it has done little to identify victims proactively, and the number of successful prosecutions remains small.

Australia

Population: 25,800,000

Capital: Canberra

Freedom Status: Free

Electoral Democracy: Yes

Overview: Australia has a strong record of advancing and protecting political rights and civil liberties. Challenges to these freedoms include the threat of foreign political influence, harsh policies toward asylum seekers, discrimination against LGBT+ people, increasingly stringent checks against the press, and ongoing difficulties ensuring the equal rights of First Nations Australians.

KEY DEVELOPMENTS IN 2021

- In February, former Liberal Party staffer Brittany Higgins publicly alleged that she had been raped by a colleague in then Defense Minister Linda Reynolds's office in 2019. Higgins also accused the Liberal Party of covering-up the story and leaking her personal information to journalists in an attempt to undermine her credibility.
- Also in February, the Australian Broadcasting Corporation (ABC) published allegations that an unnamed senior minister had raped a fellow high school student as a teenager in 1988. Federal Attorney General Christian Porter identified himself as the subject of the allegations in March and commenced defamation proceedings against the ABC, which were later discontinued in May. Authorities declined to press charges against Porter owing to his accuser's death by suicide in 2020, and the limited prospects of a conviction.

A. ELECTORAL PROCESS 12 / 12**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The Australian government is a parliamentary democracy under a constitutional monarchy. The leader of the popularly elected majority party or coalition is designated as prime minister, and serves as head of government. Scott Morrison, the head of the Liberal Party, became prime minister in 2018 after successfully challenging Malcolm Turnbull for the leadership. Morrison's ascension continued a pattern in which prime ministers failed to serve full terms due to "leadership coups," which have drawn criticism for failing to reflect the will of the electorate. Morrison won a new term as prime minister when the Liberal Party and its coalition partner, the National Party, won a free and fair election in 2019.

A governor-general, appointed on the recommendation of the prime minister, represents the monarch of the United Kingdom (UK) as head of state. The powers of the monarchy are extremely limited. David Hurley was appointed governor-general in 2019.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral legislative branch consists of a 151-member House of Representatives and 76-member Senate. Lower house members are elected through a ranked-choice ballot, and serve three-year terms. Senators are elected through a ranked-choice ballot and serve staggered six-year terms.

The Liberal-National coalition won 77 seats in the House of Representatives in the May 2019 election, earning a one-seat majority over all other parties. The Labor Party won 68, while the Greens won 1. Independents took the remaining 5 seats.

Forty seats in the Senate were filled in the same contest. The Liberal-National coalition won 19 of the seats up for reelection, while Labor won 13, the Greens won 6, and 2 were won by independents. Turnout for the election stood at 91.9 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Australian electoral laws and procedures are generally fair and impartial. The Australian Electoral Commission (AEC)—an independent federal agency—coordinates all federal elections and referendums, draws seat boundaries, and keeps the electoral rolls. Voting is compulsory, and a registered voter's failure to vote may result in a small fine, which if unpaid can increase and ultimately lead to a criminal conviction.

B. POLITICAL PLURALISM AND PARTICIPATION 15 / 16 (-1)**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Australians may organize political parties without restrictions. Registration and recognition as a political party requires a party constitution and either one member in Parliament, or at least 500 members on the electoral roll.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power rotates between parties frequently, traditionally alternating between the Labor Party and the Liberal-National coalition. The Greens and smaller left-leaning parties tend to ally with Labor, while rural-oriented and conservative parties often ally with the Liberals.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Political participation in Australia is largely free from undue domestic influence. The UK's monarch remains the Australian head of state, but the monarchy's power is strictly limited by the Australian constitution and legal precedent.

Concerns about foreign interference in politics, particularly from China, have persisted for several years. Chinese actors have allegedly funded candidates and parties, and a 2020 Australian Federal Police (AFP) foreign interference investigation named some Chinese consular officials in their warrants. The government banned foreign donations to political parties, independent candidates, and other political campaign groups in 2018. Additionally, the Foreign Influence Transparency Scheme, which came into force that year, requires people who engage in political activities, such as lobbying on behalf of a foreign government or other entity, to register publicly.

In September 2021, Attorney General Christian Porter revealed he had accepted an undisclosed sum from an anonymous donor to fund a portion of his legal fees for defamation proceedings against the ABC. Porter indicated that he was not aware of the donor's identity, raising concerns about whether the donors "expected to get anything in return" for their assistance. Porter resigned from politics at the end of the year.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4 (-1)

Political rights and electoral opportunities are granted to all Australians. However, the interests of women are inadequately represented. Only 47 seats in the lower house are held by women, representing 31.1 percent of the body; 40 of Australia's 76 senators are women (52.6 percent). The opposition Labor Party employs an internal quota specifying that 40 percent of its candidates must be women; this quota will rise to 50 percent by 2025. The governing Liberal Party also aims for equal gender representation by 2025 but does not use a quota system, despite increasing calls to do so.

Women in Parliament have reported being intimidated and harassed by their male colleagues. A November 2021 report by Sex Discrimination Commissioner Kate Jenkins found one in three federal political staffers had experienced sexual harassment at work.

A series of high-profile sexual assault allegations emerged in early 2021, corroborating the commissioner's report and highlighting the misogyny and physical endangerment women in politics face. In February, former Liberal Party staffer Brittany Higgins alleged she was raped by a colleague in Defense Minister Linda Reynolds's office in 2019. Higgins also accused the Liberal Party of covering-up the story and leaking her personal information to journalists in an attempt to undermine her credibility. Reynolds called Higgins a "lying cow," while the Labor Party accused Prime Minister Morrison of misleading Parliament after he failed to disclose that an internal inquiry into the allegations had been discontinued.

Also in February 2021, public broadcaster ABC published allegations that an unnamed senior minister had raped a fellow high school student as a teenager in 1988. Attorney General Porter identified himself as the subject of the allegations in March and commenced defamation proceedings against the ABC, which were later discontinued. Authorities declined to press charges against Porter owing to his accuser's death by suicide in 2020, and the limited prospects of a conviction. Prime Minister Morrison declined to investigate the matter further. Porter, who denies the accusations, resigned from politics in December 2021.

Some voting restrictions—including the requirement that voters hold a fixed address and a ban on voting by prisoners serving long sentences—disproportionately affect Indigenous Australians. Draft legislation that was withdrawn from Parliament in December 2021

would have required voters to present photographic identification before voting in Federal elections, which critics claimed could result in deterring Indigenous voters.

Indigenous Australians are also underrepresented in Parliament. The lower house's first Aboriginal man won a seat in 2010, and the first Aboriginal woman won a seat in 2016. The Australian government has considered reforms to strengthen Aboriginal and Torres Strait Islander people's political voice, including a proposed representative body that would advise Parliament on policy matters that affect them.

LGBT+ representatives have served in Parliament since the 1990s, when Greens senator Bob Brown became the first openly gay member of the upper house. The first openly gay member of the House of Representatives was elected in a 2016 by-election.

Score Change: The score declined from 4 to 3 due to recent cases of sexual violence and a culture of misogyny experienced by women in politics.

C. FUNCTIONING OF GOVERNMENT 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected government is generally able to develop and implement policy.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Laws against official corruption are generally well enforced, but the absence of a federal anticorruption body makes enforcement more difficult. All states and territories operate local anticorruption bodies, with Queensland creating the first state-level agency in 1989.

Prime Minister Morrison has faced increasing pressure from independent legislators and the nongovernmental organization (NGO) Transparency International to create a federal anticorruption body. Despite Morrison's proposal for a Commonwealth Integrity Commission (CIC) in late 2018, no significant developments towards its creation occurred in 2021.

C3. Does the government operate with openness and transparency? 4 / 4

Government operations are characterized by a high degree of transparency, and political affairs are openly discussed in Parliament and in the media. Parliamentary records and commissioned reports are readily available. The Freedom of Information Act allows people to access a wide range of government documents, though some government agencies have been criticized for long delays and unnecessary refusals of freedom of information (FOI) requests.

The Labor-National coalition has been accused of disproportionately directing public funds to districts they represent. For example, in June 2021, the Australian National Audit Office (ANAO) claimed that the Liberal-National coalition had allegedly misappropriated A\$660 million (US\$495 million) toward infrastructure upgrades ahead of the 2019 national election. The ANAO report found that none of the projects awarded (of which 77 percent were in Coalition-held seats) had been chosen through transparent means, nor were they selected based on their merit.

CIVIL LIBERTIES 56 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF 15 / 16

D1. Are there free and independent media? 3 / 4

Though the constitution does not explicitly protect press freedom, journalists scrutinize lawmakers and the government, covering controversial topics generally without serious obstacles or risk of harassment or violence.

However, the AFP conducted controversial raids of the ABC Sydney office and the home of Sunday Telegraph editor Annika Smethurst in 2019 after both published stories based on leaked materials outlining military misconduct and the government's spying powers. The ABC sued to block the review of the seized documents, though their case was dismissed in February 2020. However, in April 2020 the High Court of Australia ruled that the warrant relied upon by the AFP in the Smethurst raid was invalid, though it declined to prohibit the evidence produced by the search from use by prosecutors. The AFP did not pursue charges against Smethurst.

Members of the press have also been constricted by the use of judicial suppression orders while covering criminal cases. A judge in the state of Victoria issued a suppression order to limit reporting on the trial of Cardinal George Pell, an Australian Vatican official convicted of sexual assault in 2018. Victoria state prosecutors threatened nearly 100 journalists reporting on the Pell case with contempt of court charges in a 2019 letter. Some staff members of publications that covered the case received these letters even though they did not report on the case themselves. Prosecutors filed charges against 36 individual journalists and organizations in 2019, and a trial commenced in the Victorian Supreme Court in November 2020. In February 2021, prosecutors dropped all charges against individuals involved, allowing 12 media outlets to plead guilty to breaching the suppression orders. In June, the outlets were fined a combined AU\$1.1 million (US \$825,000).

In February 2021, the government passed the News Media and Digital Platforms Bargaining Code, which established a mandatory arbitration regime for digital platforms, such as Facebook and Google, to negotiate with and ultimately pay news outlets for using their content. The Code has been criticized for potentially weakening media diversity.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution explicitly prohibits laws that would either impose or restrict religious expression, and individuals are generally able to express religious beliefs or nonbelief.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected. However, federal officials have in the past warned of Chinese attempts to monitor Chinese students in Australia, and to question academics in Australia whose views differed from those of the Chinese government. Some students have expressed fears of foreign surveillance, prompting them to wear masks to protect their identities while protesting Chinese government actions. Some universities receive significant amounts of foreign funding, particularly from China, which has further raised concerns over Beijing's influence on curriculums and university governance.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Generally, people in Australia may freely discuss personal views on sensitive topics, though the government has passed several laws in recent years increasing its surveillance powers. A data retention law requires telecommunications companies to store users' metadata for two years and has raised concerns about the government's ability to track mobile and online communications. In 2019, the AFP disclosed that it accessed Australians' metadata nearly 20,000 times and reviewed the metadata of journalists 58 times during its 2017–18 reporting period.

The 2018 Assistance and Access Act requires technology companies to provide law enforcement agencies access to encrypted communications, on grounds that include preventing terrorism and crime. Civil rights groups criticized the new law's broad reach, relative lack of oversight, and steep fines for companies that do not comply. Vault Systems, an Australian provider of cloud services, warned in 2019 that multinational companies were increasingly housing their data in other countries because of the legislation.

Additionally, in 2019 the High Court ruled against Michaela Banerji, who sued the government for her dismissal from the Department of Immigration and Border Protection in 2013 in connection with a pseudonymous Twitter account she used to criticize government policies on immigration and the treatment of detainees.

Public figures, including politicians, regularly sue journalists or members of the public for defamation for publishing unfavorable stories or other content about them, particularly online. For example, in April 2021, Minister of Defense Peter Dutton was awarded A\$35,000 (US \$26,200) in damages and legal costs in a defamation case against refugee activist Shane Bazzi who called Dutton a "rape apologist" on Twitter. Bazzi appealed the decision in December.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is not explicitly codified in law, but the government generally respects the right to peaceful assembly. There are some limited restrictions meant to ensure public safety, and some incidents of police using excessive force against protesters have been reported. In March 2021, demonstrations were held across the country against misogyny and sexism in response to the Higgins and Porter allegations of sexual misconduct within Parliament.

A series of violent protests against vaccination mandates and lockdown restrictions occurred in the country's two largest cities, Sydney and Melbourne, in the second half of 2021. Analysts claimed the presence of far-right extremist groups amid the demonstrators likely provoked the violence.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs are generally free to form, function, and receive funding. A 2018 bill intended to limit foreign interference in the political sphere also sought to limit donations to certain charities from foreign entities, which raised concerns that it would severely impact the ability of NGOs to function. However, after pressure from the Labor and Green parties, the bill was amended to specify that it does not apply to charities and advocacy groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers can freely organize and bargain collectively, and trade unions actively engage in political debates and campaigns. However, strikes are only allowed when negotiating new union agreements, and may only pertain to issues under negotiation. In 2017, a High Court ruling prohibited organizations that had previously violated orders from the Fair Work Commission from holding strikes during negotiations. The court described the right to strike as a "privilege."

In September 2021, the Melbourne offices of the Construction, Forestry, Mining and Energy Union (CFMEU) were stormed by protestors demonstrating against a two-week ban on construction work during that city's sixth lockdown.

F. RULE OF LAW 15 / 16**F1. Is there an independent judiciary? 4 / 4**

The Australian judiciary is generally independent. However, a lengthy investigation in 2019 by independent media outlet Crikey revealed that the Liberal-National government consciously worked to install individuals affiliated with the Liberal Party—including former candidates, donors, and party members—to the Administrative Appeals Tribunal (AAT), a body that reviews the merits of administrative decisions by government agencies.

In March 2021, Jacqueline Gleeson was appointed to the High Court of Australia, the highest court in the country. Gleeson is the daughter of a former chief justice of the High Court, which prompted some concerns about fairness and impartiality in judicial appointments. Members of the judiciary, particularly in the higher-level courts, tend to lack diversity, and many appointed judges come from prominent legal families.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The right to due process is generally respected. Defendants and detainees are presumed innocent until proven guilty and can only be held for 24 hours without being charged for a crime, with exceptions for terrorism cases.

People living in rural areas, and in particular Aboriginal people, face significant barriers to accessing the justice system. Judges, lawyers, and prosecutors must be flown into remote communities, providing little time to prepare cases or be briefed by clients. Courtrooms are often in ad hoc, repurposed buildings, and lengthy case dockets are a prominent issue. Judges traveling these circuits work large caseloads due to understaffing and underfunding, which could impact their health and their court decisions. Significant case backlogs cause individuals to wait years for their cases to be heard, which can place some, like those who have experienced domestic violence, in further danger.

Authorities shifted court proceedings to be held online during the COVID-19 pandemic, which has led to increased availability of court and registry services and resources. The greater flexibility offered by virtual hearings and services has, to a degree, increased access to the justice system in rural areas.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Australia provides protection from the illegitimate use of force, and Australians have means to seek redress for harm. Prison conditions mostly meet international standards. However, conditions at numerous juvenile detention centers are substandard. Some children have instead been detained in adult prisons. In 2019, an ABC investigative program reported on the practice of placing minors in “watch houses,” maximum security facilities usually reserved for violent adult offenders.

The use of solitary confinement has become controversial, with the Victoria state ombudsman calling for the end of its use in 2019. The ombudsman noted that children and adolescents were sometimes placed in solitary confinement.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

First Nations Australians continue to lag behind other groups in key social and economic indicators; suffer higher rates of incarceration; and report routine mistreatment by police and prison officials. Aboriginal and Torres Strait Islander children are placed in detention at a rate 22 times higher than that of non-Aboriginal children. Additionally, people

with disabilities make up almost one-third of the prison population, and face harassment and violence in prisons.

Men and women have the same legal rights, and discrimination based on sexual orientation or gender identity is prohibited. In practice, women and LGBT+ people experience employment discrimination and harassment.

Religious exemptions within the Sex Discrimination Act of 1984 allow for the expulsion of students and dismissal of teachers on the basis of their sexual orientation. While this power is rarely exercised, this act has sometimes been used to discriminate. Prime Minister Morrison has faced pressure from rights groups to remove the exemptions, and from religious groups to retain and bolster them. In response, Morrison unveiled a bill at the end of 2018, aimed at protecting LGBT+ students from discrimination.

The Liberal-National government spent much of 2019 drafting a bill meant to limit religious discrimination in Australian society, which remained under consideration at the end 2021. LGBT+ rights advocates objected to the draft legislation, warning that the bill would allow health providers to deny treatment to LGBT+ patients for religious reasons.

Australia's harsh asylum and immigration policies continued to be enforced in 2021. The government announced in October it would cease detaining asylum seekers in Papua New Guinea (PNG) by December, transferring the refugees there either to the other offshore detention facility in Nauru—which is characterized by poor living conditions, inadequate safety for women and children, and a lack of sufficient healthcare and education services—or to the Papuan government. As of the end of December, approximately 112 refugees were in detention on Nauru, and 105 were in PNG, though the government ended their tracking of data for asylum seekers there. Asylum seekers can wait years for their applications to be processed; in one severe case, a man seeking asylum from Sri Lanka who fled to Australia in 2009 was still being held in immigration detention through at least the end of 2020. The United Nations special rapporteurs on migrant rights criticized the lack of medical care on Manus Island and Nauru, warning that the detention of refugees there amounted to cruel and inhuman treatment. Despite this, Parliament repealed a law allowing offshore detainees to seek emergency medical care in Australia in 2019, ten months after it was enacted.

The coronavirus pandemic exacerbated the difficulties faced by asylum seekers and other temporary visa holders, who were denied access to the government's welfare packages for those affected by the coronavirus. As a result, many temporary visa holders, including refugees, were forced to rely on food banks and charities to survive. Advocacy groups criticized their exclusion from the government's coronavirus relief that placed temporary visa holders at greater risk of homelessness and destitution. In August 2020, Multicultural Affairs Minister Alan Tudge said the government would "make no apology" for prioritizing Australian citizens and residents over temporary visa holders in allocating welfare.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS 14 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4 (-1)

The government respects freedom of movement, and neither state nor nonstate actors interfere with the choice of residence, employment, or institution of higher education.

In response to the coronavirus pandemic in 2020 and 2021, some state and territory governments closed their internal borders at different times during the year. The process to obtain an exemption for traveling between states was difficult and often significantly delayed. Some people who rely on services including employment or health care across state borders, were unable to access these services due to the closures. In December 2020,

the border between Victoria and New South Wales was closed with the public given just over a day's warning, stranding many cross-border travelers who had visited family for the holidays. Some states with lower rates of COVID-19 transmission, particularly Queensland and Western Australia, maintained a hardline stance on internal borders throughout 2021, despite low transmission rates of the virus and nearly 80 percent of the population being fully vaccinated. Promises by state governments to reopen throughout the year were repeatedly delayed.

Score Change: The score declined from 4 to 3 because state governments continued to impose disproportionate and arbitrary COVID-19-related restrictions on movement during the year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

With an open and free market economy, businesses and individuals enjoy a high level of economic freedom and strong protections for property rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not restrict social freedoms. In 2017, Parliament legalized same-sex marriage following a nationwide, nonbinding postal survey in which more than 60 percent of participants favored legalization. Same-sex couples have also won the right to adopt children at the state level, with the Northern Territory becoming the last state or territory to legalize LGBT+ adoption in 2018. Discrimination based on gender identity was prohibited under a 2013 amendment to the Sex Discrimination Act of 1984.

Gender-based violence (GBV) remains a national concern, particularly for Aboriginal and Torres Strait Islander women. In addition, women who kill domestic abusers in self-defense are often jailed, with Aboriginal and Torres Strait Islander women representing the majority of this incarcerated group. In 2019, the attorney general pledged that the government would pass legislation facilitating defendants' ability to claim and submit evidence of self-defense in court. Following the brutal murder of a Queensland woman, Hannah Clarke, and her three children by Clarke's estranged husband in February 2020, there were multiple calls to criminalize coercive control to combat domestic and intimate partner violence.

Abortion law is decided by state and territory governments. New South Wales was the last state to decriminalize abortion in 2019. In some states women have no access to abortion through public health systems despite its legality, forcing women in those areas to seek assistance from private providers.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Australians generally enjoy robust economic opportunities and freedom from exploitation. However, Aboriginal and Torres Strait Islander people continue to face economic hardship; census data from 2016 revealed that employment rates in remote areas declined since 2006, impeding their upward social mobility.

In 2018, Parliament passed the Modern Slavery Act, requiring large businesses to be more transparent about potential slavery in their supply chains and to make efforts to address the problem. While the law has been largely viewed favorably, some critics have noted that it fails to impose penalties for noncompliance.

Austria

Population: 8,900,000

Capital: Vienna

Freedom Status: Free

Electoral Democracy: Yes

Overview: Austria has a democratic system of government that guarantees political rights and civil liberties. The country has historically been governed by grand coalitions of the center-left Social Democratic Party of Austria (SPÖ) and the center-right Austrian People's Party (ÖVP). In recent years, the political system has faced pressure from the Freedom Party of Austria (FPÖ), a right-wing, populist party that openly entertains nationalist and xenophobic sentiments.

KEY DEVELOPMENTS IN 2021

- Several leading ÖVP and FPÖ politicians were investigated in connection with corruption and embezzlement cases throughout the year, including then chancellor Sebastian Kurz and finance minister Gernot Blümel. Kurz resigned as chancellor in October, and stepped down as ÖVP party leader in December; Blümel also resigned in December.
- Foreign minister Alexander Schallenberg became chancellor following Kurz's resignation in October, but also stepped down from the role after Kurz left politics in December. ÖVP party officials chose interior minister Karl Nehammer to become chancellor and to replace Kurz as party chair; he was appointed to the chancellorship in December, but was still awaiting confirmation of his ÖVP leadership position at year's end.
- Following years of investigations by the Public Prosecutor's Office for Combating Economic Crimes and Corruption (WKStA), former FPÖ leader Heinz-Christian Strache was found guilty on charges of corruption in August. He received a 15-month suspended sentence.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive elections in Austria are generally free and fair. The president is elected for a six-year term and has predominantly ceremonial duties. The president does, however, appoint the chancellor, who also needs the support of the legislature to govern. President Alexander Van der Bellen, former Green Party leader, prevailed in 2016 after a close and controversial poll that featured a repeat of the runoff between Van der Bellen and FPÖ candidate Norbert Hofer. The runoff was repeated after the Constitutional Court (VfGH) established that there had been problems with the handling of postal ballots.

Following snap elections in 2019, an ÖVP–Green Party government took office in January 2020, marking the first time the Green Party has participated in a national government. Sebastian Kurz of the ÖVP, who led the previous ÖVP–FPÖ coalition, returned as chancellor.

In October 2021, Kurz was forced to resign the chancellorship over allegations of corruption; after Kurz's resignation, then foreign minister Alexander Schallenberg was

appointed chancellor. However, after Kurz announced he planned to leave the ÖVP leadership—and politics altogether—in December, Schallenberg also stepped down. After Schallenberg's resignation, ÖVP party officials chose then interior minister Karl Nehammer to become both party leader and chancellor. Nehammer was sworn in as chancellor in December, but had yet to be confirmed as party chairman by year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Legislative elections in Austria are generally considered credible. The National Council, the lower house, has 183 members chosen through proportional representation at the district, state, and federal levels. Members serve five-year terms. The 61 members of the upper house, the Federal Council (Bundesrat), are chosen by state legislatures for five- or six-year terms.

Snap National Council elections took place in September 2019, after the Ibiza gate affair triggered the previous ÖVP–FPÖ coalition's collapse. The ÖVP was the clear winner with 71 seats, though it did not win a parliamentary majority. The Green Party returned after a two-year absence from parliament, winning 26 seats. Support for the FPÖ collapsed, with the party losing 20 seats and holding 31. The SPÖ won 40, while the liberal New Austria and Liberal Forum (NEOS) claimed 15.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Austria's electoral laws are fair and implemented impartially by the relevant bodies.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Austria has competitive political parties that form and operate without encountering undue obstacles. Recent years have seen the rise and fall of various competing parties and coalitions through democratic processes.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties have a realistic opportunity to gain representation. Until recently, Austria has often been governed by grand coalitions, a trend that has fostered some public disillusionment with the political process. An ÖVP–FPÖ government, which collapsed in 2019, was succeeded by an ÖVP–Green Party coalition in January 2020.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Austrians are generally free to make their own political choices without pressure from any groups that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The participation of Slovene, Hungarian, and Romany minorities in local government remains limited. There is little minority representation in the legislature. The number of

people who have been naturalized has fallen since the establishment of a more restrictive national integration policy in 2009. Individuals must have lived in Austria for 10 years, 5 of them as a permanent resident, to qualify for naturalization.

Several parties include support for gender equality in their platforms. In the 2019 elections, 39 percent of the members elected to the parliament were women, a slight increase compared to 2017. The country's first majority-female cabinet was appointed in January 2020.

Non-Austrian EU citizens are entitled to vote in municipal elections as well as in European Parliament elections.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected president and legislative representatives work with the chancellor, vice chancellor, and cabinet ministers to determine the policies of the government.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Public-sector corruption is problematic, and the political class is widely perceived as corrupt. The Council of Europe's (CoE) Group of States against Corruption (GRECO) has criticized Austria for weak party-finance legislation and for failing to regulate lobbying and prevent corruption. Austria has seen an increase in indictments for, and rising costs of, corruption in recent years.

A petition for a referendum against corruption was launched by several prominent politicians in June 2021. The petition was submitted to the Interior Ministry in December.

Investigations into IbizaGate—which began with the 2019 release of a video of then FPÖ leader Strache offering state contracts in exchange for donations and favorable media coverage—continued in 2021. In July, a parliamentary inquiry committee concluded its IbizaGate investigation; opposition leaders believe the committee's findings point to misconduct within the FPÖ and ÖVP. Strache was found guilty of corruption in August, and given a 15-month suspended sentence.

Further investigations into allegations of bribery and corruption involving senior FPÖ and ÖVP politicians, including then chancellor Kurz, continued throughout the year. In October, Kurz resigned as chancellor, and in December, stepped down as ÖVP chairman. Finance minister Gernot Blümel also resigned in December, following a months-long investigation into allegations of his involvement with a high-profile corruption case involving several FPÖ and ÖVP politicians. He denied any wrongdoing, and had not been criminally charged at year's end.

C3. Does the government operate with openness and transparency? 3 / 4

Austria's government has frequently been criticized for inadequate transparency. Official secrecy remains enshrined in the constitution, and Austria's overall legal framework on access to information is weak.

In February 2021, the ÖVP–Green Party government agreed on a draft Freedom of Information Act, which would provide for the end of official secrecy; the draft was presented to the National Council later that month and passed to the Federal Chancellery in April, where it remained at year's end. The draft legislation has been criticized as weak and overly narrow by information rights groups.

CIVIL LIBERTIES: 56 / 60**D. FREEDOM OF EXPRESSION AND BELIEF 14 / 16****D1. Are there free and independent media? 3 / 4**

The federal constitution and the Media Law of 1981 provide the basis for free media in Austria. However, libel and slander laws protect politicians and government officials, many of whom—particularly members of the FPÖ—have filed defamation suits in recent years. Media ownership remains highly concentrated, particularly in the provinces, and the government exerts some influence on the state broadcaster, the Austrian Broadcasting Corporation (ORF).

Media outlets are eligible to receive government funding through advertising and in the form of press subsidies intended to ensure media diversity. In recent years, independent media outlets have expressed concern that government spending on media—which amounted to nearly 70 million euros in 2020—lacks efficient oversight, allowing funds to be distributed arbitrarily and without transparency.

In 2021, several ÖVP politicians resigned over allegations that they had purchased favorable news coverage during the 2017 elections.

While there is no official censorship, Austrian law prohibits any form of neo-Nazism or antisemitism, as well as the public denial, approval, or justification of Nazi crimes, including the Holocaust.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is constitutionally guaranteed. Austrian law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Many religious minority groups allege that the law impedes their legitimate claims for recognition and demotes them to second-class status.

Foreign funding for Muslim houses of worship and imams is prohibited by a 2015 law; Orthodox Christian and Jewish groups with similarly strong links to communities abroad face no such restrictions. The FPÖ has been criticized for stoking anti-Muslim sentiment through controversial advertising campaigns. In recent years, antisemitic and anti-Islamic tendencies have become more prevalent.

In May 2021, a progovernment organization published a controversial map showing the locations of more than 600 Islamic religious institutions throughout Austria. The map has been criticized by religious organizations and opposition politicians, who fear that it stigmatizes Muslims and could lead to an increase in anti-Islamic hate crimes.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld, and the educational system is free from extensive political indoctrination.

In July 2021, numerous amendments were made to the Universities Act, which regulates the administration of Austria's public universities. University governing bodies have criticized the legislation, citing concerns that the amendments will jeopardize the autonomy of public universities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion in Austria is generally free and unrestricted. However, there have been some difficulties related to the balance between ensuring freedom of speech and

enforcing legal prohibitions on hate speech. A debate surrounding more extensive online surveillance through state authorities is ongoing.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected and respected in practice. However, since March 2020, the government has instituted several lockdowns in response to COVID-19 outbreaks; when lockdown measures are in place, assemblies are subject to strict regulation. In December 2021, the government lifted most restrictions for people who are vaccinated against COVID-19.

Despite COVID-19-related restrictions on public gatherings, large protests against lockdown measures—including the November announcement of a vaccine mandate—continued throughout 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations operate without restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions are free to organize and to strike, and they are considered an essential partner in national policymaking. According to government statistics, some 1.4 million workers are members of trade unions.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent, and is generally held in high regard among Austrians. The Constitutional Court examines the compatibility of legislation with the constitution without political influence or interference.

Austrian judges are appointed by the executive instead of a politically independent body, which the CoE has criticized as an insufficient separation of the state government from the judicial system. Additionally, in July 2021, a European Commission report found that government officials have repeatedly engaged in public criticism of WKStA prosecutors during anticorruption investigations, which has negatively affected public perception of judicial independence.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process generally prevails in civil and criminal matters. However, scandals involving Austria's intelligence apparatus in recent years raised concerns about the potential politicization of the justice system, and respect for due process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Austria are generally free from the illegitimate use of physical force, war, and insurgencies. However, terrorist threats are a concern. In November 2020, 4 people were killed and 23 were injured in Vienna by an assailant who was then killed by police. The government disclosed that the assailant was previously imprisoned for attempting to travel to Syria to join the Islamic State (IS). An independent inquiry into the attack found that counterterrorism agencies “lack sufficient capacity” to adequately address existing terrorism risks.

In December 2020, Austrian authorities arrested five individuals accused of participating in a far-right group and confiscated over 70 weapons. Then interior minister Karl Nehammer reported that the weapons cache may have been meant for a “far-right militia,” and noted that the unnamed suspects were known neo-Nazis.

Conditions in prisons generally meet high European standards.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Some groups face difficulty exercising their human rights before the law. Strong rhetoric has been directed against refugees and migrants in recent years. Some asylum seekers can be deported while appeals are pending. In 2019, the Office of the UN High Commissioner for Human Rights (OHCHR) said the Austrian asylum system did not meet international standards. The ÖVP–Green coalition espoused a strict stance on asylum in its January 2020 coalition agreement, vowing to preemptively detain asylum seekers who are deemed dangerous. Deportations continued during the COVID-19 pandemic, leading to conflict between the coalition partners in 2021.

LGBT+ people face some societal discrimination. Hate crime legislation prohibits incitement based on sexual orientation. However, no law prohibits service providers from denying services on that basis.

Despite some improvement, gender equality remains an issue in Austria. According to Eurostat, the gender wage gap in Austria is among the largest in the EU.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Austrian citizens enjoy freedom of movement. However, Austrians periodically faced strict limits on movement starting in March 2020 under COVID-19-related measures.

Roma and other ethnic minorities face discrimination in the labor and housing markets. The Labor Ministry has sought to promote integration of younger immigrants by providing German-language courses and job training.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Austrians may freely exercise the right to own property and establish businesses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Same-sex marriage became legal in Austria in 2019. Restrictions on same-sex couples adopting children ended in 2016.

The 2009 Second Protection Against Violence Act increased penalties for perpetrators of domestic violence and authorized further punitive measures against chronic offenders. However, gender-based violence remains a problem, and Austria has one of the highest rates of femicide in the EU: according to official government data, 350 women were killed between 2010 and 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

A 1979 law guarantees women’s freedom from discrimination in various areas, including the workplace.

Media reports in 2020 and 2021 highlighted the exploitation of seasonal workers, who often lived in poor conditions and did not receive the minimum wage.

Azerbaijan

Population: 10,200,000

Capital: Baku

Freedom Status: Not Free

Electoral Democracy: No

Note: The numerical scores and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Power in Azerbaijan's authoritarian regime remains heavily concentrated in the hands of Ilham Aliyev, who has served as president since 2003, and his extended family. Corruption is rampant, and the formal political opposition has been weakened by years of persecution. The authorities have carried out an extensive crackdown on civil liberties in recent years, leaving little room for independent expression or activism. Azerbaijan won control of a third of the territory of Nagorno-Karabakh along with some adjacent land during a weeks-long conflict with Armenia in 2020, at the cost of over 2,700 soldiers.

KEY DEVELOPMENTS IN 2021

- In January, Aliyev created a new media body, the Media Development Agency (MEDIA), via a presidential decree. In December, the parliament passed a bill authored with MEDIA's involvement that would impose a number of restrictions on media outlets, including requiring journalists to register with the authorities. The bill awaited Aliyev's signature at year's end.
- Two political parties were created during the year as a result of political dialogue between the government and the opposition. Opposition figures have criticized the process, which began in 2020, saying that no meaningful changes have been made to allow genuine opposition parties to form or operate.
- New legislation requiring people wishing to divorce to first seek mediation came into force in January. Critics say that the law, which effectively lengthens the time-frame of many divorce proceedings, limits access to divorce for vulnerable people and for those who may lack access to official mediation services.

POLITICAL RIGHTS: 2 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president is directly elected for seven-year terms. There are no term limits. Since the early 1990s, elections have not been considered credible or competitive by international observers. A February 2018 presidential decree moved that year's presidential election, originally planned for October, up to April. President Ilham Aliyev—who succeeded his father, Heydar, in 2003—won a fourth term with some 86 percent of the vote amid evidence of electoral fraud and a boycott by the main opposition parties. Organization for Security

and Co-operation in Europe (OSCE) observers found that the election lacked genuine competition due to a restrictive political environment in which the seven nominal opposition candidates did not openly confront or criticize the president.

In 2017, President Aliyev appointed his wife, Mehriban Aliyeva, as vice president. The post had been created via constitutional changes that were pushed through in 2016 without meaningful parliamentary debate or public consultation.

The prime minister and cabinet are appointed and dismissed by the president. In October 2019, Prime Minister Novruz Mammadov—in office since April 2018—was replaced by Ali Asadov.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 125 seats in Azerbaijan's unicameral Milli Mejlis, or National Assembly, are filled through elections in single-member districts, with members serving five-year terms.

Aliyev dissolved the parliament in December 2019, and snap elections were held in February 2020. The ruling New Azerbaijan Party (YAP) won 70 parliamentary seats, while independents won 41 and the remainder were won by smaller parties; contests for 4 seats were not immediately decided. Turnout stood at 46.8 percent. A major opposition alliance, the National Council of Democratic Forces, boycotted the elections. OSCE monitors criticized the conduct of the poll, noting procedural and tabulation concerns and ultimately questioning "whether the results were established honestly."

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral laws and framework fall short of international standards and do not ensure free and fair elections. The nomination process for members of electoral commissions places the bodies under the influence of the ruling party. Commission members have been known to unlawfully interfere with the election process and obstruct the activities of observers. Complaints of electoral violations do not receive adequate or impartial treatment.

Election observers have repeatedly condemned restrictions on freedom of assembly, the inability of candidates to obtain permission to hold rallies or appear on television, political interference with courts investigating electoral violations, and noncompliance with past European Court of Human Rights (ECHR) decisions on election issues. OSCE monitors present during the February 2020 parliamentary elections noted pervasive electoral misconduct, including verbal and physical abuse directed against candidates' representatives and monitors.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The political environment in Azerbaijan is neither pluralistic nor competitive. The ability of opposition parties to operate and engage with the public is limited by the dominance of the YAP. A number of laws restrict candidates' efforts to organize and hold rallies, and the opposition has virtually no access to coverage on television, which remains the most popular news source. The regime has cracked down violently on any Islamic political movement that reaches national prominence.

Political dialogue between the government and the opposition began in 2020, resulting in the creation of new political parties for the first time since 2011. Another two parties were registered in 2021 as part of the process, which has been presented by the government as

a “new political configuration.” However, critics say that the new parties are not genuine opposition groups and that the dialogue has been dominated by the government.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The Aliyev family has held the presidency since 1993. The biased electoral framework and repressive media and political environment effectively make it impossible for opposition parties to gain power through elections. The traditional opposition parties boycotted the most recent parliamentary, presidential, and municipal elections rather than take part in an unfair process.

Opposition politicians and party officials are subject to arbitrary arrest on dubious charges, physical violence, and intimidation. In October 2021, Niyameddin Ahmedov, a member of the opposition Popular Front Party of Azerbaijan (AXFP), was sentenced to 13 years in prison for financing terrorism, a charge his lawyers called politically motivated. He had been jailed since April, when he was arrested for allegedly violating pandemic restrictions. AXFP member Saleh Rustamli was arrested in 2018 and later received a seven-year sentence for money laundering, a charge he called politically motivated. In November 2021, Rustamli began a hunger strike, though he ended it in December.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The authoritarian system in Azerbaijan excludes the public from any genuine and autonomous political participation. The regime relies on abuse of state resources, corrupt patronage networks, and control over the security forces and criminal justice system to maintain its political dominance.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The political system does not allow women or minority groups to organize independently or advocate for their respective interests. There are no meaningful mechanisms to promote increased representation of women and ethnic or religious minorities. The government has worked to stifle public expressions of ethnic Talysh and Lezgin identity, among other targeted groups.

Internally displaced persons (IDPs) who left Nagorno-Karabakh and settled in other parts of Azerbaijan after the 1994 cease-fire have been unable to participate in municipal elections where they subsequently settled and are instead directed to vote for their former districts. IDPs have not historically pursued office in Azerbaijan since the 1994 cease-fire.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Neither the president nor members of parliament are freely or fairly elected, and the parliament is unable to serve as a meaningful check on the powerful presidency. Lawmakers and lower-level elected officials essentially carry out the instructions of the ruling party.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive. In the absence of a free press and independent judiciary, officials are held accountable for corrupt behavior only when it suits the needs of a more powerful or well-connected figure.

Investigative reports published by foreign media in recent years have revealed evidence that the Aliyev family used their positions to amass large private fortunes. The resources were reportedly used in part to improperly influence the Parliamentary Assembly of the Council of Europe in order to minimize criticism of electoral conduct and alleged rights abuses. In October 2021, the Pandora Papers—an investigation by the International Consortium of Investigative Journalists (ICIJ) that exposed the improper financial connections of rich and powerful actors around the world—revealed that a network of offshore companies linked to Aliyev’s family had traded around £400 million (\$522.1 million) in property in the United Kingdom since 2006, including the 2018 sale of a £67-million (\$87.5 million) London property to a group linked to the British monarchy.

C3. Does the government operate with openness and transparency? 0 / 4

Government operations are opaque. Although public officials are nominally required to submit financial disclosure reports, procedures and compliance remain unclear, and the reports are not publicly accessible. There are legal guarantees for citizens’ access to information, but also broad exceptions to this right, and authorities at all levels systematically refuse to respond to information requests.

In 2017, Azerbaijan withdrew from the Extractive Industries Transparency Initiative (EITI), an international platform that promotes good governance and transparency in resource-rich countries. Azerbaijan, an important producer of oil and gas, had been suspended due to ongoing noncompliance with EITI human rights standards.

CIVIL LIBERTIES: 7 / 60 (–1)

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

Constitutional guarantees for press freedom are routinely and systematically violated, as the government works to maintain a tight grip on the information landscape. Defamation remains a criminal offense. Journalists—and their relatives—face harassment, violence, and intimidation by authorities. Legal amendments passed in 2017 extended government control over online media, allowing blocking of websites without a court order if they are deemed to contain content that poses a danger to the state or society. Independent news sites are regularly blocked or struck with cyberattacks.

Journalists face detention or imprisonment on false charges, along with travel bans. The Committee to Protect Journalists (CPJ) counted two imprisoned journalists in the country in 2021. In late 2020, Polad Aslanov, editor in chief of news sites Xeberman and Press-az, received a 16-year prison sentence for selling state secrets to Iran. Aslanov, whose wife vowed an appeal to the Supreme Court after a lower court upheld his conviction in February 2021, claimed that he was targeted for reporting on corruption.

Journalists also risk surveillance. In July 2021, the Organized Crime and Corruption Reporting Project (OCCRP) reported that Azerbaijani journalists were among those targeted with the Pegasus spyware tool, which was likely supplied to the Azerbaijani government.

In January 2021, Aliyev issued a presidential decree that called for “media reforms” and created MEDIA. In December, the parliament passed a bill authored with MEDIA’s involvement that would, among other things, require journalists to register with the authorities and media owners to reside in Azerbaijan. Local and international media rights groups criticized the legislation, which awaited Aliyev’s assent at year’s end.

In August 2021, three journalists covering a women’s rights protest in front of a police building in Baku were forcibly detained and reportedly subjected to physical and psychological abuse by police.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The regime exercises control over religion through state-affiliated entities such as the Caucasus Muslim Board. Religious communities that attempt to operate independently face burdensome registration requirements, interference with the importation and distribution of printed religious materials, and arrest and harassment of religious leaders with international ties or a significant following. For example, Haji Taleh Bagirzade and members of his Muslim Unity Movement, a nonviolent conservative Shiite group, have been subjected to mass arrests, torture, and imprisonment as part of a crackdown that began in 2015.

A number of mosques have been closed in recent years, ostensibly for registration or safety violations. Jehovah's Witnesses face harassment as well as prosecution for evading military service.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The authorities have long curtailed academic freedom. Some educators have reported being dismissed for links to opposition groups, and students have faced expulsion and other punishments for similar reasons. The Azerbaijani history curriculum is known to include negative and discriminatory references to Armenians.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Law enforcement bodies monitor private telephone and online communications—particularly of activists, political figures, and foreign nationals—without judicial oversight. The escalation of government persecution of critics and their families has undermined the assumption of privacy among ordinary residents and eroded the openness of private discussion. Even state officials have been punished for their and their family members' social media activity, and activists have been imprisoned—on unrelated fabricated charges—for critical Facebook posts. In recent years, activists have been targeted by spear-phishing campaigns designed to install malicious software on their computers or steal personal information. Activists report that harassment on social media, often highly sexualized for female activists, is commonplace.

Social media users and antiwar activists who signed a statement calling for a peaceful resolution to the 2020 conflict over control of Nagorno-Karabakh were harassed and threatened online, prompting at least one activist to remove their signature.

In July 2021, the OCCRP reported that people who had casual or familial connections to activists and journalists were targeted with Pegasus.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

The law imposes tight restrictions on freedom of assembly, which is contingent on the protection of “public order and morals.” Activists have complained that in practice, the obstacles to public gatherings include additional, extralegal measures. Unsanctioned assemblies can draw a harsh police response and fines for participants, and the government largely stopped issuing permits for rallies in Baku in 2019. Even when permits are issued, the government typically confines demonstrations to relatively isolated locations, where it can track attendees through facial-recognition technology and mobile-phone data.

Numerous small protests were held in 2021, including some by soldiers calling for access to welfare benefits. Supporters of AXP member Saleh Rustamli, meanwhile, were forcibly detained by authorities when they called for his release at a December rally in Baku.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Repressive laws on NGOs have been used to pressure both local and foreign organizations, many of which have suspended operations when their bank accounts were frozen or their offices raided. Nearly all organizations or networks that work on human rights are forced by the state to operate in a legal gray zone. The government has refused to permit the European Union to provide grant support for local civil society groups. Civic activists are routinely subjected to harassment, intimidation, detention, and abuse by police.

Activists also risk surveillance; the OCCRP's July 2021 report noted that over 40 Azerbaijani activists were likely targeted with Pegasus, along with family members.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Although the law permits the formation of trade unions and the right to strike, the majority of unions remain closely affiliated with the government, and many categories of workers are prohibited from striking. Most major industries are dominated by state-owned enterprises, in which the government controls wages and working conditions.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary is corrupt and subservient to the executive. Judges are appointed by the parliament on the proposal of the president. The courts' lack of political independence is especially evident in the many trumped-up or otherwise flawed cases brought against opposition figures, activists, and critical journalists.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Constitutional guarantees of due process are not upheld. Arbitrary arrest and detention are common, and detainees are often held for long periods before trial. Political detainees have reported restricted access to legal counsel, fabrication and withholding of evidence, and physical abuse to extract confessions.

Although nominally independent, the Azerbaijani Bar Association (AVK) acts on the orders of the Ministry of Justice and is complicit in the harassment of human rights lawyers. Legal amendments that took effect in 2018 stipulated that only AVK members could represent clients in court. Since then, the association has disbarred, suspended, or threatened most of the country's active human rights lawyers for speaking to the media about violations of their clients' rights. In nearly all disciplinary cases, the courts have upheld AVK decisions without a thorough assessment or public justification.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

International observers have consistently concluded that both torture and impunity for the perpetrators of such abuse are endemic in the Azerbaijani criminal justice system. Police regularly administer beatings during arrest or while breaking up protests. Prison conditions are substandard. Medical care is generally inadequate, and overcrowding is common.

Azerbaijanis were affected by armed conflict with Armenia during 2020. The two countries engaged in a full-scale conflict over control of Nagorno-Karabakh that September, with civilian and military casualties reported on both sides. The conflict ended in early November after a Russian-brokered cease-fire was agreed; under its terms, Azerbaijan would retain control of parts of Nagorno-Karabakh gained during the fighting, along with adjacent land

held by Armenia. Baku reported that 2,783 soldiers died in the fighting, while at least 143 civilians on both sides were killed.

The conflict was marked by reported acts of mistreatment, desecration, and vandalism. In early 2020, Human Rights Watch (HRW) accused Azerbaijani forces of physically abusing Armenian prisoners of war (POWs). In its *World Report 2022*, HRW noted that 100 Armenian POWs and detained civilians were released by Azerbaijani authorities during 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Members of ethnic minority groups have complained of discrimination in areas including education, employment, and housing. Women are subject to discrimination in employment, including both de facto bias and formal exclusion from certain types of work under the labor code.

While IDPs from the Nagorno-Karabakh conflict that ended in 1994 are entitled to special assistance, they face severe infringements on their economic and social rights and freedom of movement. Many are housed in dormitories or substandard housing and are unable to change their place of residence, which is often located out of range of sources of employment or adequate medical care.

Although same-sex sexual activity is legal, LGBT+ people experience societal discrimination and risk harassment by the police. In 2017, police fined or detained dozens of people for weeks in a coordinated crackdown that led many LGBT+ residents to flee the country. LGBT+ people also faced a series of attacks in May and June 2021; local and international NGOs called on the authorities to investigate and take measures to protect LGBT+ individuals.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The government restricts freedom of movement, particularly foreign travel, for opposition politicians, journalists, and civil society activists. While travel bans were lifted for some dissidents during 2019, many others remained in place, including for some of the political prisoners released that year; others fled the country to avoid further persecution. Some travel bans remained in effect in 2021.

IDPs from the previous Nagorno-Karabakh conflict enjoy freedom of movement in law, but not in practice. IDPs are legally registered at their place of initial resettlement, which are sometimes in rural areas and far from any source of employment. The process of changing registration is difficult, and IDPs who change their place of registration risk losing their status and accompanying state assistance. As a result, many families are separated, with usually male wage-earners relocating to urban centers for work while their families remain at their place of registration. In January 2021, President Aliyev established the Karabakh Revival Fund, which is meant to finance infrastructure development in Nagorno-Karabakh to allow IDPs to return there.

People with disabilities and psychiatric patients are routinely institutionalized; there is no clear procedure to review their confinement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights are affected by government-backed development projects that often entail forced evictions, unlawful expropriations, and demolitions with little or no notice.

Corruption and the economic dominance of state-owned companies and politically connected elites pose obstacles to ordinary private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4 (-1)

The law generally grants women and men the same rights on personal status matters such as marriage, divorce, and child custody. Domestic violence is a notable problem, and related legal protections are inadequate. Conservative social norms contribute to the widespread view that domestic violence is a private matter, which discourages victims from reporting perpetrators to the police. However, the growth of social media and the movement of rural populations to Baku in recent years have spurred public discussion of the issue. Though authorities claim that the rate of domestic violence fell during their 2019–20 reporting period, activists believe official figures are undercounting the actual number of incidents.

Throughout 2021, LGBT+ people reported being both physically and verbally assaulted and experiencing substantial societal discrimination based on their appearance.

In January 2021, new legislation came into force, imposing mandatory mediation on those seeking to divorce. The law introduces a number of obstacles for those wishing to divorce, especially for people outside of large cities who may not have access to official mediation services, and often lengthens the timeframe of the proceedings. Critics say that the law will disproportionately disadvantage people who cannot secure legal representation or those who are otherwise vulnerable, such as survivors of domestic abuse attempting to divorce their abuser.

Score Change: The score declined from 2 to 1 due to high rates of domestic violence and impunity for perpetrators, the introduction of new mediation rules that could create a barrier to divorce, and reported attacks against LGBT+ people based on their appearance.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Legal safeguards against exploitative working conditions are poorly enforced, and many employers reportedly ignore them without penalty. Children are vulnerable to sexual exploitation and forced labor.

The government has taken some steps to combat forced labor and sex trafficking, including by prosecuting traffickers and providing services to victims, but the problem persists, notably among Romany children and foreign household workers. The authorities have extended a preexisting moratorium on labor inspections through the end of 2021.

As a result of corruption and a lack of public accountability for the allocation of resources, the state's oil and gas revenues tend to benefit privileged elites rather than the general population, narrowing access to economic opportunity.

Bahamas

Population: 400,000

Capital: Nassau

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Bahamas is a stable democracy where political rights and civil liberties are generally respected. However, the islands have a relatively high homicide rate. Harsh immigration policies, which mainly affect Haitian-Bahamians and Haitian migrants, are often executed in the absence of due process. Government corruption is a serious problem that is thought to have had significant economic consequences.

KEY DEVELOPMENTS IN 2021

- The Progressive Liberal Party (PLP) won a parliamentary majority in an early election held in September, defeating the ruling Free National Movement (FNM). PLP leader Philip Davis was appointed prime minister that month, succeeding FNM leader Hubert Minnis. Election monitors praised the election's conduct, though it also called on the Bahamas to digitize voter registration and issue campaign-finance regulations.
- In June, the Court of Appeal upheld a 2020 ruling affirming the granting of Bahamian citizenship to a Bahamian-born child regardless of the gender or marital status of their Bahamian parent. The Minnis government vowed to appeal the ruling.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The Bahamas is governed under a parliamentary system, and a mostly ceremonial governor-general is appointed by the British monarch as head of state. The prime minister is head of government and is appointed by the governor-general; the office is usually held by the leader of the largest party in Parliament or the head of a parliamentary coalition. In September 2021, Philip Davis became prime minister following the PLP's electoral victory.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the lower chamber of the bicameral Parliament, the 39-member House of Assembly, are directly elected to five-year terms. The 16 members of the Senate are appointed for five-year terms by the governor-general based on recommendations made by the prime minister and the opposition leader.

Then premier Hubert Minnis triggered an early election in August 2021; polls were held in September. The PLP won 32 House of Assembly seats, defeating the ruling FNM. The Coalition of Independents and the Democratic National Alliance respectively won over 6 and 1 percent of the vote but won no seats. Turnout stood at 65 percent, a relatively low figure. Organization of American States (OAS) monitors praised the electoral process and COVID-19-related health protocols.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral process is regulated by the Parliamentary Elections Act (PEA) and generally well managed by the Parliamentary Registration Department. The parliamentary commissioner heads the department and is appointed by the governor-general acting on the recommendation of the prime minister after consultation with the opposition leader.

After the PEA was amended in 2020, electoral authorities implemented a continuous voter register, which was used in the September 2021 polls. In its postelectoral report, the

OAS warned that individuals who were not included in the 2017 voter list or who did not register by the August 2021 election announcement may have been disenfranchised. The OAS reiterated prior calls to digitize voter registration and issue campaign-finance regulations.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties may organize freely and operate unhindered. However, as electoral financing is not regulated, there is no legal obligation to disclose funding sources and no limit on campaign spending.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties operate without undue interference. Political power has alternated between the PLP and the FNM since the country achieved independence in 1973.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally able to exercise their political choices freely. However, a lack of campaign-finance regulations leaves open avenues for the outsized role of money in politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Only citizens may vote, and protracted citizenship and naturalization proceedings make achieving citizenship difficult for children born in the Bahamas to foreign parents. This predominantly affects children of Haitian immigrants.

Women are underrepresented in Bahamian politics. In its September 2021 postelectoral report, the OAS noted that women do not often seek office, in part due to “gendered perceptions of politics” and social pressure. The OAS nevertheless noted an increase in women candidates. Seven women won House of Assembly seats. Four women were appointed to the Senate. Five women were appointed to the cabinet. Women additionally serve as speakers of both houses.

LGBT+ people are underrepresented in politics but continue to be more visible.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Freely elected officials are generally able to determine national policies in a free and unhindered manner. Parliament approved a state of emergency at the onset of the coronavirus pandemic in 2020, which expired in November 2021.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Anticorruption mechanisms are relatively weak. There is no agency specifically empowered to handle allegations of government corruption. Rates of reporting corruption are low, as whistleblowers fear retaliation. The PLP vowed to establish an independent anticorruption body and an ombudsman after taking power but did not do so in 2021.

In February 2021, Youth, Sports, and Culture Minister Lanisha Rolle resigned amid an audit of the ministry's expenditure and contracts. In September, Water and Sewerage Corporation chairman Adrian Gibson effectively stepped aside after facing misconduct allegations.

A federal lawsuit filed in the United States in 2020 alleging members of the former PLP government were paid to ignore a decades-long sex trafficking operation was ongoing.

C3. Does the government operate with openness and transparency? 3 / 4

Government procurement processes lack transparency, and political parties and campaigns are not required to disclose their finances. Legislators and other high-ranking public officials must disclose their income and assets annually under the Public Disclosure Act but often fail to submit the required information on time, without penalty.

In a June 2021 report, the auditor general reported that the Minnis government did not disclose the ownership details of firms that received pandemic-related funding, which was sourced from an International Monetary Fund loan. A separate audit of the Bahamas Public Parks and Public Beaches Authority (BPPPBA), the results of which were revealed in December, showed that the BPPPBA had regularly overrun its budget and that contract files were missing, prompting it to terminate existing agreements.

The Fiscal Responsibility Act (FRA) of 2019 aims to improve transparency of public-sector spending. In September 2021, the Fiscal Responsibility Council, an independent oversight and enforcement body created by the FRA, published a critical evaluation of the Minnis government's 2020 fiscal report, saying it lacked detail.

Some improvements in the legal framework and in compliance were noted during the year, however. In May 2021, a freedom of information commissioner and deputy commissioner were appointed as required by the 2017 Freedom of Information Act. The Public Procurement Act, which is meant to ensure transparency in government contracts, was passed in March 2021 and took effect in September. Also in September, the Davis government vowed to review all government contracts issued during the pandemic-related state of emergency.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Press freedom in the Bahamas is constitutionally guaranteed and generally respected in practice. Privately owned newspapers and radio broadcasters freely express a variety of views, although partisanship is common.

Libel is a criminal offense punishable by up to two years in prison. Though rarely enforced, Gorman Bannister, who ran social-media news and commentary pages, was charged with libel twice, once in 2019 and again in 2020, for allegedly insulting and defaming cabinet ministers. Bannister died in October 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic institutions are generally free from political pressure and other interference.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People can freely express personal views in private and in public without fear of retribution or surveillance. However, ordinary Bahamians can face libel charges. In April 2021, a reverend was charged over a video criticizing Police Commissioner Paul Rolle and disseminated on social media. In May, a man was arraigned over allegedly libelous comments made about PLP leader Philip Davis in 2020.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected and is respected in practice. Protests sometimes faced police opposition and pandemic-related restrictions in 2020.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Freedom of association is generally protected, and a variety of nongovernmental organizations (NGOs) operate in the country. A 2019 NGO registration law required NGOs to declare sources of contributions and donations and account for annual income and expenditures. In June 2021, the government said it was taking “aggressive steps” to ensure that NGOs complied with registration requirements.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Labor, business, and professional organizations are generally free from government interference. Unions have the right to strike, and collective bargaining is prevalent. The country’s two major trade unions signed a memorandum of understanding with the PLP in August 2021, with the party vowing to address union grievances.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judicial system is headed by the Court of Appeal and the Supreme Court, with the additional right of appeal to the London-based Privy Council under certain circumstances. The Bahamian judiciary is independent. There have been no major reports in recent years of attempts by powerful figures to use their influence to secure favorable rulings. In January 2021, the Bahamas Bar Association called for legislation to better codify judicial independence. The Inter-American Development Bank has suggested separating the Offices of the Public Prosecutor and the Attorney General to ensure independence.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process in civil and criminal matters generally prevails. However, the government only appoints counsel to defendants in capital cases, leaving some people without legal representation.

Generally, noncitizens, asylum seekers, and migrants do not enjoy due process before detention or deportation. Reports of long-term detention of immigrants and arbitrary detention of asylum seekers persist. Bahamian authorities detained over 900 Haitians fleeing that country in September 2021; in October, UN agencies called on countries to refrain from deporting Haitians without assessing their needs, citing insecurity and the effects of an August earthquake.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Homicide and violent crime rates in the Bahamas remain among the highest in the Caribbean. A 61.1 percent murder-rate increase was recorded in the first nine months of 2021 over the same period in 2020. In December 2021, Police Commissioner Rolle reported 21 police-involved shooting incidents during the year, 13 of which resulted in fatalities. However, state security agents generally do not engage in the illegal use of force against civilians, and the population is not threatened by large-scale violence or insurgencies.

Prison conditions are poor. Violence against prisoners by guards continued to be reported in 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution does not prohibit discrimination based on gender or sexual orientation. LGBT+ people continue to report discrimination in employment and housing. LGBT+ advocates celebrated the country's second annual Pride week in October 2021.

Harsh immigration policies enacted in 2014 target Haitian-Bahamians and Haitian migrants, requiring them to carry a passport and residency permits. The government prioritizes Bahamian citizens for hiring, land grants, COVID-19 vaccinations, and shelter in hurricane relief centers, and has pursued removal of shantytowns that primarily house migrants.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The freedom of movement is protected. Migrants' and Haitian-Bahamians' lack of Bahamian identity documents affect their ability to move freely; choose their places of residence, employment, and education; and obtain medical attention.

Roadblocks have been erected as part of immigration enforcement actions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The country has a strong private sector, and the economy relies mostly on tourism and financial services. Individuals are free to establish businesses.

Efforts to dismantle shantytowns continued in 2021, with the government dismantling structures in an Abaco settlement in May. In June, a Supreme Court judge expanded an existing injunction to prohibit the dismantlement of any unregulated community in Abaco.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government does not place explicit restrictions on social freedoms. However, the constitution distinguishes between Bahamian men and women in the transmission of citizenship to a spouse or child, resulting in distinctions in treatment of married Bahamian women's children and their foreign-born husbands.

In 2020, the Supreme Court issued a ruling affirming the granting of Bahamian citizenship to a Bahamian-born child regardless of the gender or marital status of their Bahamian parent, which the Court of Appeal upheld in June 2021. The Minnis government vowed to appeal to the Privy Council after the ruling was issued. In September, the Davis government's attorney general voiced his support for further appeal.

Violence against women, including domestic violence and marital rape, is a serious issue. Same-sex marriage is not legalized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The Bahamas is a source, destination, and transit country for men, women, and children for forced labor and sexual exploitation. According to the US State Department's *Trafficking in Persons 2021*, the government fully complies with minimum international standards to address the problem. Migrant workers, many of whom arrive in the Bahamas to work in the agricultural sector and in domestic services, are particularly vulnerable to exploitation.

Bahrain

Population: 1,500,000

Capital: Manama

Freedom Status: Not Free

Electoral Democracy: No

Overview: Bahrain's Sunni-led monarchy dominates state institutions, and elections for the lower house of the parliament are neither competitive nor inclusive. Since violently crushing a popular prodemocracy protest movement in 2011, the authorities have systematically eliminated a broad range of political rights and civil liberties, dismantled the political opposition, and cracked down on persistent dissent concentrated among the Shiite population.

KEY DEVELOPMENTS IN 2021

- In January, Bahrain restored diplomatic ties with Qatar; Manama cut relations in 2017 after accusing the Qatari government of interfering in internal matters and backing terrorism in Bahrain.
- Small protests held in February marked the 10th anniversary of the 2011 prodemocracy protests. Police, who maintained a large public presence, arrested at least 29 people, including 11 children. In March, police were accused of physically beating and threatening some of the children they had detained.
- In September, the authorities allowed 30 prisoners—most of them political prisoners—to enter home detention. Hassan Mushaima, a high-profile opposition leader, rejected a conditional release offer, however.

POLITICAL RIGHTS: 2 / 40**A. ELECTORAL PROCESS: 2 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The 2002 constitution gives the king power over the executive, legislative, and judicial authorities. The monarch appoints and dismisses the prime minister and cabinet members, who are responsible to him rather than the legislature. Khalifa bin Salman al-Khalifa, the uncle of the current king, Hamad bin Isa al-Khalifa, was the country's only prime minister between independence from Britain in 1971 and his death in November 2020. The crown prince and eldest son of the king, Salman bin Hamad al-Khalifa, was appointed prime minister that year.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The king appoints the 40-member Consultative Council, the upper house of the National Assembly. The lower house, or Council of Representatives, consists of 40 elected members serving four-year terms. Formal political parties are not permitted, but members of “political societies” have participated in elections.

Lower-house elections were held in November 2018, with a runoff round in December. The polls were uncompetitive due to bans on major opposition groups. A law adopted earlier that year prohibited the candidacy of anyone who belonged to dissolved political societies, had boycotted or been expelled from the parliament, or had received a prison sentence of at least six months. Most seats went to independents, though small Sunni Islamist groups won several seats, and a leftist group won two. As in previous years, turnout figures were disputed amid a lack of independent election monitoring.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Bahrain’s electoral framework is unfair, with electoral districts deliberately designed to underrepresent Shiites, who form a majority of the citizen population but have never been able to obtain majority representation in the parliament. The government has also allegedly drawn district borders to put certain political societies, including leftist and Sunni Islamist groups, at a disadvantage. The government directorate responsible for administering elections is headed by the justice minister, a member of the royal family, and is not an independent body.

Voters’ passports are stamped to indicate that they have voted, and there is a widespread belief that people who do not have these stamps are at a higher risk of being prevented from travelling. The government has previously punished people who call for election boycotts.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Formal political parties are illegal. A 2005 law makes it illegal to form political associations based on class, profession, or religion, while a 2016 amendment prohibits serving religious clerics from engaging in political activity. The law permits “political societies,” with some of the functions of a political party, to operate after registering with the government, but the authorities have closed down almost all opposition political societies since 2016 and jailed many of their leaders. The most popular, the Shiite Islamist society Al-Wefaq, was forcibly disbanded that year for allegedly encouraging violence. In 2018, the monarch banned individual members of dissolved groups from competing in elections. In December 2021, Lebanon deported non-Lebanese Al-Wefaq members after Manama criticized the group’s activity there. The second-largest opposition group, the secularist National Democratic Action Society (Wa’ad), was banned in 2017.

Individual opposition leaders and activists routinely face harassment, and the regime has forced many into prison or exile. In 2019, the country’s top court upheld a life sentence against Al-Wefaq general secretary Ali Salman, who was jailed in 2018 for alleged espionage on behalf of Qatar. He had been in detention on various charges since 2014. In September 2021, Hassan Mushaima, secretary-general of the Haq Movement for Liberty and Democracy, rejected a conditional release offer; Mushaima was imprisoned in 2011.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The ruling family maintains a monopoly on political power, with members holding many cabinet seats directly. The system's structure excludes the possibility of a change in government through elections, and the parliament has been dominated by progovernment lawmakers since the dissolution of the main opposition parties and imprisonment of many of their leaders.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The monarchy generally excludes the public from any meaningful or genuinely independent political participation. Since 2011 it has used the security forces to isolate the country's Shiite population and suppress political dissent. The royal court allegedly uses its patronage networks to influence candidates and elections.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Although Shiite Muslims make up a majority of the citizenry, they have tended to be underrepresented in the cabinet and the parliament. The regime, which is controlled by a Sunni ruling family, has tended to view Shiites with some suspicion and has sought to prevent Shiites from organizing to advance their political interests. Senior positions in politics and government are often allocated to members of the royal family and a number of affiliated Sunni tribes. Certain wealthy Shiite families also enjoy a privileged position.

Women formally enjoy full political rights but are marginalized in practice. Six women hold lower-house seats, while nine hold upper-house seats. One woman serves in the cabinet as minister of health; the first woman minister was appointed in 2004.

Noncitizens make up about half of the total population, and most have no political rights, but the minority of expatriates who own property in Bahrain can vote in municipal elections. Citizenship generally must be inherited from a Bahraini father, and foreign men married to Bahraini women do not have access to naturalization.

LGBT+ identity is generally not recognized openly, including in political contexts.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

There are no elected officials with executive authority. The National Assembly may propose legislation, but the government drafts and submits the bills for legislative consideration. As major opposition groups are absent from the National Assembly, the body has become silent on politically sensitive topics, though it does feature debate on economic reforms, austerity measures, subsidy reforms, and public services. The parliament formally welcomed Bahrain's 2020 agreement to normalize relations with Israel, though it was not consulted beforehand.

Bahrain is fiscally and economically dependent on Saudi Arabia and the United Arab Emirates, which gives their governments significant influence over its foreign policy.

C2. Are safeguards against official corruption strong and effective? 2 / 4

There are some laws in place to combat corruption, but enforcement is weak, and high-ranking officials or members of the royal family who are suspected of corruption are rarely punished. The 2013–18 national anticorruption strategy called for the creation of a national anticorruption authority, though legislators subsequently decided not to enact that proposal. The generally pliant parliament does not check malfeasance effectively, and the

media are not sufficiently free to independently air allegations of corruption against powerful figures. Civil society anticorruption efforts are also restricted; activists who highlight such problems have been prohibited from traveling or otherwise harassed.

C3. Does the government operate with openness and transparency? 0 / 4

Parliamentary proceedings are public, and the parliament is entitled to scrutinize the government budget, but in practice the executive issues orders and laws without providing insight or allowing meaningful public consultation. The government does not publish regular and timely income or expenditure data. No access-to-information law has been adopted, and officials are not obliged to disclose their assets or income.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0

Over the past two decades, the government has made concerted efforts to erode the Shiite citizen majority and tip the country's demographic balance in favor of the Sunni minority, mostly by recruiting foreign-born Sunnis to serve in the security forces and become citizens. No data on the sectarian makeup of the population are made public.

Meanwhile, hundreds of Bahrainis have had their citizenship revoked in recent years, including a large number of Shiite leaders and activists. After a mass revocation in 2019 prompted an international outcry, the monarch and courts restored the citizenship of 698 people, though nearly 300 remained denationalized as 2019 ended. Citizenship was not restored to the most prominent opposition activists, and the government retains the authority to revoke citizenship without meaningful due process.

CIVIL LIBERTIES: 10 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

The government owns all national broadcast media outlets, and the private owners of Bahrain's main newspapers have close ties to the state. The only independent newspaper, *Al-Wasat*, was banned in 2017. Self-censorship is encouraged by the vaguely worded Press Law, which allows the state to imprison journalists for criticizing the king or Islam or for threatening national security. Insulting the king is punishable by up to seven years' imprisonment. A 2016 edict requires newspapers to apply for a one-year renewable license to publish online. The government has blocked access to Qatari news outlets since 2017, when diplomatic relations with Qatar were severed. While ties were restored in January 2021, Qatari outlets such as Al Jazeera remained inaccessible as of November.

Journalists face legal and bureaucratic obstacles to their work in practice. The authorities have refused to renew the credentials of several Bahraini journalists working with foreign outlets. Six journalists remained imprisoned in 2021 according to the Committee to Protect Journalists (CPJ). International journalists face difficulty obtaining an entry visa.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Islam is the state religion, and the penal code criminalizes blasphemy-related offenses. However, non-Muslim minority groups are generally free to practice their faiths. Both Muslim and non-Muslim religious groups are required to register with government ministries. Muslim religious groups are required to register with the Ministry of Justice and Islamic

Affairs through the Sunni or Shiite awqaf (endowments) that oversee mosques and prayer houses; their directors are appointed by royal decree and paid by the government.

Although Shiite communities are free to carry out religious observances like Ashura, Shiite clerics and community leaders face harassment, interrogation, prosecution, and imprisonment. Shiite religious sites were demolished or vandalized in 2011 in apparent reprisal for the role of Shiite opposition groups in that year's protests. The Islamic Ulema Council, a group of Shiite clerics, was banned in 2014. Shiite cleric Isa Qassim lost his citizenship in 2016, received a suspended sentence for money laundering in 2017, and left Bahrain in 2018. Other Shiite clergy have been detained or questioned for their actual or suspected involvement in protest activity. In August 2021, Al-Wefaq reported that Bahraini authorities investigated about 100 people and arrested 3 during Ashura.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is not formally restricted, but scholars who criticize the government have in the past been subject to dismissal, and universities are affected by a broader climate in which criticism is frequently equated with disloyalty. In 2011, a number of faculty members and administrators were fired for supporting the call for democracy, and hundreds of students were expelled. Those who remained were forced to sign loyalty pledges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The penal code includes a variety of punishments for offenses such as insulting the king or state institutions and spreading false news. Many Bahrainis have been convicted and jailed for political speech, including on social media. Authorities have also warned against online expression that contradicts the foreign policy priorities of Bahrain and its regional allies. Following accounts deemed to promote sedition can constitute a cybercrime.

Security services are believed to employ networks of informers, and the government monitors the personal communications of activists, critics, and opposition members. In August 2021, Citizen Lab reported that the mobile phones of nine Bahraini political activists were hacked using the Pegasus spyware suite in 2020 and 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

A permit is required to hold demonstrations, and a variety of onerous restrictions make it difficult to organize a legal gathering in practice. Participants can face long jail terms, particularly if the demonstrations involve clashes with security personnel. Police regularly use force to break up political protests, most of which occur in Shiite villages.

Police maintained a large public presence during the 10th anniversary of the 2011 protests in February 2021, which was marked by small rallies. The Bahrain Institute for Rights and Democracy (BIRD) reported that at least 29 people, including 11 children, were arrested ahead of the anniversary. In April, the UN Office of the High Commissioner for Human Rights called for an investigation over reports that demonstrators protesting conditions in Jau prison were forcefully dispersed. In June, several hundred people in Diah protested the COVID-19-related death of a prisoner. In October, demonstrators opposed the opening of an Israeli embassy; authorities fired tear gas to disperse one of the rallies.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Nongovernmental organizations (NGOs) are prohibited from operating without a permit, and authorities have broad discretion to deny or revoke permits. The government also reserves the right to replace the boards of NGOs. Bahraini human rights defenders and their family members are subject to harassment, intimidation, and prosecution. Many were either in prison or in exile as of 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Bahrainis have the right to establish independent labor unions, but workers must give two weeks' notice before a strike, and strikes are banned in a variety of economic sectors. Trade unions cannot operate in the public sector, and collective-bargaining rights are limited even in the private sector. Harassment and firing of unionist workers occurs in practice. Domestic, agricultural, and temporary workers do not have the right to join or form unions.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

The king appoints all judges and heads the Supreme Judicial Council, which administers the courts and proposes judicial nominees. The courts are subject to government pressure in practice. The country's judicial system is seen as corrupt and biased in favor of the royal family and its allies, particularly in politically sensitive cases.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process is particularly problematic in politically sensitive cases. Law enforcement officers reportedly violate due process during arrests and detention, in part by obstructing detainees' access to attorneys. Detainees are sometimes held incommunicado. Judicial proceedings often put defendants at a disadvantage, with judges denying bail requests or restricting defense attorneys' attendance or arguments without explanation. Prominent defense lawyers who represent dissidents have themselves been prosecuted on various charges.

In 2017, Bahrain allowed prisoners to complete their sentences via alternative means through a new law. In September 2021, 30 prisoners, most of them political prisoners, were released under this law, in favor of home detention and monitoring. Hassan Mushaima declined conditional release under this law.

In 2017, the constitution was amended to permit military trials for civilians in security-related cases, further weakening due process rights.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Torture is criminalized, but detainees frequently report mistreatment by security forces and prison officials, who are rarely held accountable. The Interior Ministry ombudsman's office has failed to provide a meaningful check on such impunity. Political prisoners have alleged denial of medical care and religious discrimination against Shiite inmates. In April 2021, prisoner Abbas Malallah died in custody; Al-Wefaq blamed his death on negligence, while the government reported he died of a heart attack. In June, prisoner Husain Barakat died of COVID-19, though the Interior Ministry reported he had been vaccinated. In October, Ali Qamber, a political prisoner who was diagnosed with cancer but reportedly did not receive appropriate treatment while in custody, died.

Bahraini authorities were accused of physically attacking and threatening children during 2021. In March, Human Rights Watch (HRW) and the BIRD accused police of beating and threatening to electrocute children detained after detaining them during the previous month's protests.

A moratorium on executions ended in 2017, though no prisoners have been executed since 2019. UN special rapporteurs and experts have raised concerns that individuals sentenced to death were forced to confess under torture, among other flaws in their cases. Bangladeshi workers are heavily represented among this population; in July 2021, NGO Reprieve reported that 8 of the 13 foreigners who received death sentences between 2011 and 2020 were Bangladeshi.

Police have sometimes been targeted in small bombings and armed attacks in recent years, though no major incidents were reported in 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women enjoy legal equality on some issues, and gender-based discrimination in employment is prohibited, but discrimination is common in practice. Unlike men, Bahraini women who marry non-Bahrainis cannot pass their citizenship to their children, a long-standing issue highlighted by an online campaign in August 2021.

Shiites of both Arab and Persian ethnicity face de facto discrimination in matters including employment. They are largely excluded from the security forces, except when serving as unarmed community police officers. The government does not publish socioeconomic data that are broken down by religious sect.

Discrimination based on sexual orientation is common. The law does not provide protections against such bias, though same-sex sexual activity is not criminalized for those aged 21 and older. Public displays of same-sex affection could fall afoul of public decency laws.

Bahrain is not a signatory to the 1951 refugee convention and does not recognize refugee status.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Authorities sometimes restrict movement inside the country to prevent protests by residents of largely Shiite villages outside Manama. The government also obstructs foreign travel by numerous opposition figures and activists.

Bahrain established a “flexible” permit for foreign workers in 2017, aiming to ease the workers’ ability to change jobs; the traditional sponsorship (*kafala*) system ties migrant workers to a specific employer. However, participation in the newer scheme has been limited by numerical caps and other restrictions.

In 2020, the government introduced the BeAware contract-tracing application as part of its COVID-19 mitigation efforts; human rights groups criticized its intrusive features, including real-time GPS location tracking. In February 2021, BeAware was updated to act as a vaccine passport.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although registered businesses are largely free to operate, obtaining approval can be difficult in practice. For the wealthy elites who dominate the business sector, property rights are generally respected, and expropriation is rare. Shiite citizens encounter difficulties obtaining affordable housing and in some cases face de facto bans on purchasing land. Much of the country’s scarce land is occupied by royal properties and military facilities. Noncitizens can only own property in designated areas. Women may inherit property, but their rights are not equal to those of men.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal status issues such as marriage, divorce, and child custody are governed by a 2017 unified family law applying to both Sunni and Shiite Muslim families. The law's provisions are based on Sharia (Islamic law) principles that put women at a disadvantage on many topics.

Accused rapists can avoid punishment by marrying their victims, and spousal rape is not specifically outlawed. Adultery is illegal, and those who kill a spouse caught in the act of adultery are eligible for lenience in sentencing.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Migrant workers, who make up a large portion of the population, can be subjected to forced labor or have their salaries and passports withheld, although this is illegal. Migrant workers faced a disproportionate risk of contracting the novel coronavirus when the pandemic began in 2020. While the government made efforts to ensure less crowded temporary accommodations for some and encouraged voluntary repatriation for others, migrants who lost their jobs often faced eviction, denial of services, or deportation. Migrant workers also received fewer emergency benefits than citizens.

The US State Department noted that Manama made serious efforts to address human trafficking in its *Trafficking in Persons Report 2021*, highlighting the government's creation of a specialized prosecutor's office and court. The State Department noted that no traffickers were convicted during its reporting period, however.

Revenues from oil and gas exports are used to fund public employment and services that benefit all citizens, but access to public-sector jobs and promotion opportunities often depends on one's social and sectarian background and personal connections.

Bangladesh

Population: 171,700,000

Capital: Dhaka

Freedom Status: Partly Free

Electoral Democracy: No

Overview: The ruling Awami League (AL) has consolidated political power through sustained harassment of the opposition and those perceived to be allied with it, as well as of critical media and voices in civil society. Corruption is endemic, and anticorruption efforts have been weakened by politicized enforcement. Due process guarantees are poorly upheld and security forces carry out a range of human right abuses with near impunity. Violence and discrimination against religious minorities and refugees, particularly Rohingya who have fled Myanmar, are significant problems.

KEY DEVELOPMENTS IN 2021

- In late March, four participants of protests in Chittagong against Indian Prime Minister Narendra Modi's visit to Bangladesh were killed after AL supporters attacked the demonstrators and police subsequently fired tear gas and rubber bullets into the crowds. Subsequent protests across the country against another attack by AL supporters on worshippers in Dhaka were again confronted and attacked by AL
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supporters. Fourteen more people were killed after police failed to protect peaceful protesters and used unnecessary and excessive force to disperse the crowds.

- In December, the US government placed sanctions on several leaders from Bangladesh's elite security force the Rapid Action Battalion (RAB), which is accused of nearly 600 extrajudicial killings since 2018 and hundreds of enforced disappearances. Local human rights organization Ain o Salish Kendra (ASK) documented at least 80 extrajudicial killings perpetrated by security forces during the year.
- The government escalated its repression of Rohingya refugees, allegedly relocating without consent nearly 21,000 refugees to Bhasan Char, a silt island off the Bangladesh coastline, as of July. The island lacks adequate facilities for the refugees and is prone to flooding. In September, prominent Rohingya civil society activist Mohibullah was murdered in a mainland camp, reportedly by Islamist militants.

POLITICAL RIGHTS: 15 / 40

A. ELECTORAL PROCESS: 4 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

A largely ceremonial president, who serves for five years, is elected by the legislature. President Abdul Hamid was elected to his second term in 2018.

The leader of the party that wins the most seats in the unicameral National Parliament assumes the position of prime minister and wields effective power. Sheikh Hasina was sworn in for her third term as prime minister in early 2019 following the AL's overwhelming victory in the 2018 elections, which were marked by violence, intimidation of opposition candidates and supporters, allegations of fraud benefiting the ruling party, and the exclusion of nonpartisan election monitors.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The National Parliament is composed of 350 members, 300 of whom are directly elected. Political parties select a total of 50 women members based on the parties' share of elected seats.

The AL overwhelmingly won the December 2018 parliamentary election, taking 288 of the 300 directly elected seats with its alliance partners. Election day and the campaign that preceded it were marked by political violence in which at least 17 people were killed, as well as legal and extralegal harassment of government opponents. The main opposition party the Bangladesh Nationalist Party (BNP) claimed that thousands of its supporters and nearly a dozen of its candidates were arrested ahead of the elections, and that its candidates were subject to intimidation and violence.

In the election's wake, the BNP alleged that the AL had benefitted from widespread electoral fraud carried out by AL supporters with the complicity of law enforcement agents and the army. Several domestic and international observation missions were unable to observe the elections due to delayed or denied accreditation.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Opposition parties and outside observers have long criticized the independence of the Election Commission (EC) and its ability to investigate complaints. Some foreign governments and international organizations have withdrawn financial assistance to the commission over such concerns. The EC's stewardship of the 2018 national election lent further credence

to complaints that it favors the ruling party. In the run-up to the 2018 polls, the commission disproportionately disqualified opposition candidates for various violations. Moreover, the EC failed to order additional security measures following outbreaks of political violence that preceded the vote, or to meaningfully address many complaints filed by opposition figures about election-related violence and other electoral irregularities. After the election, the EC affirmed the results without investigating widespread allegations of fraud. In 2019, 2020, and 2021, subnational elections were criticized for irregularities.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Bangladesh has a multiparty system in which power has historically alternated between political coalitions led by the AL and the BNP; third parties have traditionally had difficulty achieving traction. Both parties are nondemocratic in terms of internal structure and are led by families that have competed to lead Bangladesh since independence, along with a small coterie of advisers. A crackdown on the BNP ahead of the 2018 elections significantly disrupted its operations. However, the government eased restrictions on opposition protests and rallies after the polls. In 2021, the BNP routinely held public activities, but were often met with violence from AL supporters or the police.

In 2021, the Islamist political party Jamaat-e-Islami (JI), which was banned in 2013 for violating constitutional provisions outlawing religiously based parties, continued to face pressure on its activities. JI leaders have been prosecuted by the International Crimes Tribunal, a domestic government body that investigates war crimes committed during Bangladesh's independence war. In order to participate in elections, JI candidates have run as a part of the BNP.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The BNP has been weakened by regular harassment and arrests of key members that have significantly harmed its ability to challenge the AL in elections. The 2018 election campaign was marred by a crackdown on dissent that saw thousands of people and several political candidates arrested. There were also several acts of violence committed against opposition figures.

In the run-up to the 2018 parliamentary polls, former prime minister and BNP leader Khaleda Zia was convicted on corruption charges in two separate court cases, sentenced to over a decade in prison, and later banned from electoral competition. In March 2020, the government temporarily released Zia from jail to receive medical treatment at home, though she was not permitted to leave the country; her release has since continued to be extended for six-month intervals. Zia's forced absence from politics has severely hampered the competitiveness of the BNP. In 2021, the BNP decided to boycott subnational elections.

A JI spokesperson said more than 1,850 party members were arrested ahead of the 2018 elections, and some party members claimed they had been subject to torture while in custody.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The rival AL and BNP parties dominate politics and limit political choices for those who question internal party structures or hierarchy, or who would create alternative parties or political groupings.

Animosity between Hasina and Zia, as well as between lower-level cadres, has contributed to continued political violence. In 2020, human rights group Odhikar reported that 73 people had been killed and 2,883 people had been injured because of political violence. Violent political protests and election-related violence persisted in 2021.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

In the National Parliament, 50 seats are allotted to women, who are elected by political parties based on their overall share of elected seats. Women lead both main political parties. Nevertheless, societal discrimination against women, as well as against as well against LGBT+ people, limits their participation in politics in practice. Religious, ethnic, and other marginalized groups remain underrepresented in politics and state agencies. In 2019, several transgender women competed for women's reserved seats in parliament. None was selected.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Policy is set by the ruling AL, and weaknesses in the country's institutions have reduced checks on its processes and decision-making. Low representation of opposition lawmakers in the National Parliament significantly reduces its ability to provide thorough scrutiny of or debate on government policies, budgets, and proposed legislation.

Problems with the 2018 election including violence, intimidation of opposition candidates and supporters, and allegations of fraud benefiting the ruling party undermined the legitimacy of the AL government that was seated in January 2019.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anti-Corruption Commission (ACC) has become ineffective and subject to overt political interference. The government continues to bring or pursue politicized corruption cases against BNP party leaders. In 2021, AL politicians continued to be accused of corruption, particularly involving funds intended for COVID-19 relief efforts, despite the party's increased actions and rhetoric against such wrongdoing. A February Al Jazeera investigative report alleged corruption in defense contracts, among other claims.

Media outlets and civil society face restrictions and are less able to expose government corruption.

C3. Does the government operate with openness and transparency? 2 / 4

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. The 2009 Right to Information Act mandates public access to all information held by public bodies and overrides secrecy legislation. Although it has been unevenly implemented, journalists and civil society activists have had some success in using it to obtain information from local governing authorities.

CIVIL LIBERTIES: 24 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Journalists and media outlets face many forms of pressure, including frequent lawsuits, harassment, and serious or deadly physical attacks. Throughout 2021, journalists were

arrested for critical reporting on the government, repression which has escalated under the AL government. A climate of impunity for attacks on media workers remains the norm, and there has been little progress made to ensure justice for a series of blogger murders since 2015. Dozens of bloggers remain in hiding or exile.

The 2018 Digital Security Act (DSA) allows the government to conduct searches or arrest individuals without a warrant, criminalizes various forms of speech, and was vehemently opposed by journalists. Forms of artistic expression contained in books, films, and other materials are occasionally banned or censored.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is designated as the official religion, though the constitution designates secularism as among the “high ideals” the charter is grounded in. Although religious minorities have the right to worship freely, they occasionally face legal repercussions for proselytizing. Members of minority groups—including Hindus, Christians, Buddhists, and Shiite and Ahmadiyya Muslims—continue to face harassment and violence, including mob violence against their houses of worship. Increasingly in recent years, violence against religious minorities appears to be deliberately provoked on social media. In October 2021, groups of Muslims in at least 12 districts across Bangladesh attacked Hindu homes and temples, killing at least two Hindus, during the Hindu religious festival Durga Puja. The violence was primarily provoked by a Facebook post, later proven to be falsified, that depicted a Quran placed on a Hindu deity.

Those with secular or nonconformist views can face societal opprobrium and attacks from hardline Islamist groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

In recent years, Bangladesh’s academic institutions have faced frequent threats from a variety of actors, resulting in reduced autonomy and rising self-censorship. Faculty hiring and promotion are often linked to support for the AL, and campus debate is often stifled by the AL’s student wing. Throughout 2020, several academics were fired or censured for criticizing the government’s response to the COVID-19 pandemic and other issues. In September 2019, members of the AL student wing attacked a nonviolent protest and beat a student to death after he posted criticism of the AL on Facebook. In 2021, the ruling party’s student wing continued to suppress dissent.

Islamist groups have growing influence on government policy and standards, compelling changes to educational content they deemed “atheistic” in widely used Bengali-language textbooks. Separately, Islamic extremists have attacked secular professors.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Open discussion of sensitive religious and political issues is restrained by fears of harassment and violence from the government and religious fundamentalists. Religious fundamentalists have retaliated in recent years against those who publicly discuss LGBT+ rights, atheism, or criticism of Islamist movements.

In the lead-up to national and local elections between 2018 and 2020, repression of dissent created a climate of fear. A 2019 poll from the International Republican Institute indicated that a considerable proportion of the public is afraid to publicly express their political opinions and widely reported self-censorship. The DSA has enabled the government to increase censorship of digital content and surveillance of telecommunications and social

media. Between October 2018 and mid-2021, Amnesty International found that more than 1,300 cases have been filed and nearly 1,000 individuals had been arrested under the DSA for mostly politicized and minor offenses. The government has also procured phone surveillance and hacking equipment.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution provides for the rights of assembly and association, but this is upheld inconsistently. Protesters are frequently injured and occasionally killed during clashes in which police use excessive force.

In late March 2021, four participants of protests in Chittagong against Indian Prime Minister Narendra Modi's visit to Bangladesh were killed after AL supporters attacked the demonstrators and police subsequently fired tear gas and rubber bullets into the crowds. Members of the AL and members of the AL's student wing, the Bangladesh Chhatra League (BCL), attacked worshippers exiting a mosque in Dhaka who had planned another protest against Modi's visit. Police fired tear gas, rubber bullets, and live ammunition to disperse the protesters, many of whom were injured with gunshot wounds. On March 27 and 28, subsequent protests across the country against the AL and BCL attack in Dhaka were again confronted and attacked by AL supporters; police failed to protect those attempting to protest and used unnecessary and excessive force against them. In Chattogram and Brahmanbaria districts, at least 14 people were killed, and hundreds were injured.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Many nongovernmental organizations (NGOs) operate in Bangladesh and function without onerous restrictions, but the use of foreign funds must be cleared by the NGO Affairs Bureau, which can also approve or reject individual projects. The 2016 Foreign Donations (Voluntary Activities) Regulation Act made it more difficult for NGOs to obtain foreign funds and gave officials broad authority to deregister NGOs. Democracy, governance, and human rights NGOs are regularly denied permission for proposed projects and are subject to harassment and surveillance. Pressure and intimidation from Islamist groups also limit NGO activities on some issues such as LGBT+ rights and protection for minority religious groups.

In 2021, authorities continued to invoke digital security laws to arrest several rights activists for online speech, citing offenses including hurting religious sentiment and undermining law and order. In February, Bangladeshi writer Mushtaq Ahmed died in prison, having been arrested in May 2020 for criticizing the government's response to the COVID-19 pandemic. Ahmed, who became ill in January 2021, had been in pretrial detention since his arrest and was charged with "tarnishing the image of the nation," among other repressive offenses under the DSA.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Legal reforms in 2015 eased restrictions on the formation of unions. However, union leaders who attempt to organize or unionize workers continue to face dismissal or physical intimidation. Organizations that advocate for labor rights have faced increased harassment. Worker grievances fuel unrest at factories, particularly in the garment industry, where protests against low wages and unsafe working conditions are common. Protesting workers often face violence, arrest, and dismissal.

F. RULE OF LAW: 4 / 16**F1. Is there an independent judiciary? 1 / 4**

Politicization of and pressure against the judiciary persists. In 2017, the Chief Justice of the Supreme Court retired; he left the country and said, in an autobiography published in 2018, that he had been forced to retire after the Bangladeshi military intelligence threatened him because of rulings he had made against the government. In 2019, Bangladesh's Anti-Corruption Commission charged the former chief justice with corruption in absentia. Allegations of political pressure on judges are common, as are allegations that unqualified AL loyalists were being appointed to court positions.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Individuals' ability to access the justice system is compromised by endemic corruption within the courts and severe case backlogs. Pretrial detention is often lengthy, and many defendants lack counsel. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," undermining the judicial process and entrenching a culture of impunity.

The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards. Concerns have repeatedly been raised that the International Crimes Tribunal's procedures and verdicts do not meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. Since 2013, the tribunal has sentenced at least 45 people to death or long prison sentences.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The number of terrorist attacks by Islamist militant groups has remained low following the government's increased counterterrorism efforts since the 2016 Holey Artisan Bakery terrorist attack. However, the Islamic State (IS) militant group claimed credit for several nonlethal bomb attacks on police officers in Dhaka in 2019 and 2020. Though counterterrorist personnel arrested several militants in 2021, there is concern that the Taliban's victory in Afghanistan could inspire militant activity in Bangladesh.

A range of human rights abuses by law enforcement agencies—including enforced disappearances, custodial deaths, arbitrary arrests, and torture—have continued unabated. In 2018, the government initiated a "war on drugs"; since that time, thousands of people have been arrested and over 100 people have been killed. A statement from the International Federation for Human Rights released in August 2020 said at least 572 people had been subject to enforced disappearance between 2009 and July 2020.

Prison conditions are extremely poor; severe overcrowding is common, and juveniles are often incarcerated with adults. The human rights and legal aid organization Ain o Salish Kendra (ASK) documented the deaths of 81 people while in custody in 2021.

In 2021, ASK also documented at least 80 extrajudicial killings perpetrated by security forces. In December 2021, the US government placed sanctions on several leaders from Bangladesh's elite security force the Rapid Action Battalion (RAB), which is accused of nearly 600 extrajudicial killings since 2018 and hundreds of enforced disappearances.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Members of ethnic and religious minority groups face some legal discrimination, as well as harassment and violations of their rights in practice. Indigenous people in the Chittagong Hill Tracts (CHT), religious minorities, and other ethnic groups remain subject to physical attacks, property destruction, land grabs by Bengali settlers, and occasional abuses by security forces.

Over a million ethnic Rohingyas have fled Myanmar and entered Bangladesh since the 1990s. Since violence directed against Rohingyas escalated in Myanmar's Rakhine State in 2017, over 700,000 refugees have fled into Bangladesh, creating a humanitarian crisis. The vast majority do not have official refugee status and have limited access to health care, employment, and education. Authorities reached a repatriation agreement with Myanmar in October 2018, but the UN refugee agency said conditions in Myanmar were not fit for the refugees' return and that safeguards for them were "absent." Subsequent efforts to repatriate Rohingya have failed, and the Bangladeshi government has become increasingly hostile toward the refugees. In 2019, authorities cut off cell phone service in refugee camps (restored in August 2020 after international pressure) and erected barbed wire fencing around them.

In 2020, Bangladesh began transferring refugees to Bhasan Char, a silt island off the Bangladesh coastline, which had a refugee population of nearly 20,000 as of June 2021; the island lacks adequate facilities for the refugees and is prone to flooding. Reports alleged that authorities had forced refugees to consent to their relocation. In refugee camps on the mainland, gang violence and other lawlessness has escalated. In September 2021, the prominent Rohingya civil society activist Mohibullah was murdered in a mainland camp, reportedly by Islamist militants. In recent years, dozens of Rohingyas have drowned in the Bay of Bengal trying to leave Bangladesh.

A criminal ban on same-sex relations is rarely enforced, but societal discrimination remains the norm, and dozens of attacks on LGBT+ individuals are reported every year. A number of LGBT+ individuals remain in exile following the 2016 murder of Xulhaz Mannan, a prominent LGBT+ activist, by Islamist militants. Some legal recognition is available for transgender people, though in practice they face severe discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The ability to move within the country is relatively unrestricted, as is foreign travel, though there are some rules on travel into and around the CHT districts by foreigners as well as into Rohingya refugee camps. During the COVID-19 pandemic in 2020, the government implemented some movement restrictions that were limited in scope and duration.

There are few legal restrictions regarding choice of education or employment.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are unevenly enforced, and the ability to engage freely in private economic activity is somewhat constrained. Corruption and bribery, inadequate infrastructure, and official bureaucratic and regulatory hurdles hinder business activities throughout the country. State involvement and interference in the economy is considerable. The 2011 Vested Properties Return Act allows Hindus to reclaim land that the government or other

individuals seized, but it has been unevenly implemented. Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to illegally encroach on tribal lands in the CHT.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Under personal status laws affecting all religions, women have fewer marriage, divorce, and inheritance rights than men, and face discrimination in social services and employment. Rape, acid throwing, and other forms of gender-based violence occur regularly despite laws offering some level of protection. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most cases from reaching the courts. In October 2020, the government introduced the death penalty for rape in response to large protests after a series of high-profile incidents of rape and sexual assault.

Giving or receiving dowry is a criminal offense, but coercive requests still occur. Bangladesh ranks among the top 10 countries with the highest rates of child marriage. Despite a stated government commitment in 2014 to abolish the practice by 2041, in 2017 parliament approved a law that would permit girls under the age of 18 to marry under certain circumstances, reversing a previous legal ban on the practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Socioeconomic inequality is widespread. Working conditions in the garment industry remain extremely unsafe in most factories despite the renewal of a legally binding accord between unions and clothing brands to improve safety practices. Comprehensive reforms of the industry are hampered by the fact that a growing number of factory owners are also legislators or influential businesspeople.

Bangladesh remains both a major supplier of and transit point for trafficking victims, with tens of thousands of people trafficked each year. Women and children are trafficked both overseas and within the country for the purposes of domestic servitude and sexual exploitation, while men are trafficked primarily for labor abroad. A comprehensive 2013 antitrafficking law provides protection to victims and increased penalties for traffickers, but enforcement remains inadequate.

Barbados

Population: 300,000

Capital: Bridgetown

Freedom Status: Free

Electoral Democracy: Yes

Overview: Barbados is a democracy that regularly holds competitive elections and upholds civil liberties. In November 2021, the government officially declared its independence from the United Kingdom, establishing a republican constitutional system. Challenges include official corruption and a lack of government transparency, discrimination against LGBT+ people, violent crime, and poverty.

KEY DEVELOPMENTS IN 2021

- Barbados officially declared its independence from the United Kingdom and became a republic in November. In October, Dame Sandra Mason, who was appointed governor general in 2018, was nominated by the prime minister to become the president for a four-year term and almost unanimously voted into the office by the lower and upper houses of the parliament.
- In March, over 140 academics alleged that delays in reappointing Barbadian historian Hilary Beckles to a second term as vice-chancellor of the University of the West Indies—which has a major campus on Barbados—was equivalent to government retribution for his outspoken advocacy as chairman of the Reparations Commission of the Caribbean Community (CARICOM), which was created to map a plan to bring “reconciliation, truth, and justice for the victims of slavery and their descendants.” Beckles was subsequently reappointed in May.

POLITICAL RIGHTS: 38 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The prime minister, usually the leader of the largest party in Parliament, is head of government. The British monarch was until recently the head of state, represented by a governor general. However, Barbados officially declared its independence from the United Kingdom and became a republic in November 2021. In October, Dame Sandra Mason, who was appointed governor general in 2018, was nominated by the prime minister to become the president for a four-year term and was almost unanimously voted into the office by the lower and upper houses of the parliament.

Mia Mottley of the Barbados Labour Party (BLP) was appointed prime minister after her party decisively won the 2018 general elections, unseating Freundel Stuart of the Democratic Labour Party (DLP). The polls were competitive and credible. In December 2021, Mottley called for snap elections to be held in January 2022, a year ahead of schedule.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 30-seat House of Assembly, the lower house, are directly elected for five-year terms. The governor general appoints the 21 members of the upper house, the Senate: 12 on the advice of the prime minister, 2 on the advice of the leader of the opposition, and 7 at their own discretion. Senators serve five-year terms.

The results of parliamentary elections in 2018 were accepted by all stakeholders. The opposition BLP took all 30 seats in the House of Assembly. Bishop Joseph Atherley subsequently broke with the BLP to sit as an independent leader of the opposition.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The independent Electoral and Boundaries Commission (EBC) oversees elections in Barbados in a professional manner. Its five commissioners are chosen based on expertise by the prime minister and the opposition for a maximum term of five years.

A broader constitutional reform process is slated to begin in January 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

The political scene is dominated by the BLP and DLP, but other parties are able to form with ease. In December 2021, two minority parties formed a coalition, the Alliance Party for Progress (APP), to participate in the January 2022 election.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power has historically rotated peacefully between the BLP and DLP. The BLP's landslide victory over the DLP in 2018 highlighted the political system's competitiveness.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally able to express their political choices without interference from actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Barbados's population is fully enfranchised, with adult citizens, Commonwealth citizens, and foreigners with seven years' residency able to vote. Laws protect the political rights of women, but discrimination and societal marginalization can discourage women from running for office. Women make up only 20 percent of the House of Assembly.

C. FUNCTIONING OF GOVERNMENT: 10 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The prime minister and members of Parliament are largely unimpeded in their ability to craft and implement policy. In November 2021, Barbados declared its independence from the United Kingdom and became an independent republic. The governor general, Dame Sandra Mason, was voted into the newly created office of president for a four-year term by the lower and upper houses of the parliament in October. Critics have argued that Prime Minister Mottley enjoyed too much discretionary power over the process to transition the governance system into a republic, which was not put to a referendum. The recommendations of a committee examining the topic, the Republican Status Transition Advisory Committee, are nonbinding.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While much less severe than the rest of the region, serious incidences of corruption are known to take place. Barbados's government has failed to implement key anticorruption measures or prosecute senior officials. Potential whistleblowers fear costly defamation suits.

High-level malpractice was exposed in April 2021, when former minister of industry Donville Inniss was sentenced to two years in prison in the United States for taking bribes from a Barbadian insurance company through New York in 2015 and 2016.

Barbados is one of just seven countries in the Americas to have neither signed nor ratified the Inter-American Convention on Mutual Assistance in Criminal Matters. The

government is also yet to ratify the UN Convention against Corruption (UNCAC), which it signed in 2003.

The Mottley administration has sought to create a new Anti-Corruption and Anti-Terrorism Agency (ACATA). However, legal experts have criticized plans for its director general to be appointed by the prime minister and say it needs to be accompanied by comprehensive anticorruption legislation in order to be effective; the existing Prevention of Corruption Act dates back to 1929.

C3. Does the government operate with openness and transparency? 3 / 4

A Freedom of Information Act long promised by both major parties is yet to materialize. The Mottley administration has also yet to pass its Integrity in Public Life Bill—which would require senior officials to declare their personal wealth and would create a new Integrity Commission.

In October 2020, the European Council added Barbados to a list of noncooperative jurisdictions for tax purposes.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The media are free from censorship and government control. Newspapers, including the two major dailies, are privately owned. Four private and two government-run radio stations operate in the country. The government-owned Caribbean Broadcasting Corporation (CBC) is the only local television station and is broadly balanced.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, which is widely respected for mainstream religious groups. In November 2020, the government decriminalized cultivation, personal use, and possession of small amounts of marijuana for religious reasons, a step that was welcomed by Rastafarian community leaders. In October 2020, the government approved an exemption for Muslims and Rastafarians to wear head coverings in official photographs.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected, though members of the government occasionally disparage academics who criticize government policy. In March 2021, over 140 academics alleged that delays in reappointing Barbadian historian Hilary Beckles to a second term as Vice-Chancellor of the University of the West Indies—which has a major campus on Barbados—was equivalent to government retribution for his outspoken advocacy as chairman of the Reparations Commission of the Caribbean Community (CARICOM) Reparations Commission which was created to map a plan to bring “reconciliation, truth, and justice for the victims of slavery and their descendants.” Beckles was subsequently reappointed in May.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Freedom of speech is largely respected in Barbados, with commentators and members of the public free to express their views on most topics without encountering negative consequences.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Barbados's legal framework guarantees freedom of assembly, which is upheld in practice. Several protests took place peacefully in 2021, including a large demonstration in August against reported government plans to make COVID-19 vaccination mandatory, which Prime Minister Mottley later denied.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Many nongovernmental organizations (NGOs) operate without restriction or surveillance in Barbados, primarily focusing on cultural issues, homelessness, environmentalism, and women's rights.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The right to form labor unions is respected, and unions are active and influential. However, critics have alleged that the BLP is seeking to co-opt union leaderships and sideline some organized labor bodies.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary generally operates with independence. The Supreme Court includes a high court and a court of appeals. The Caribbean Court of Justice is the highest appellate court for Barbados.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutional guarantees of due process are generally upheld. Despite the appointment of new judges under the Mottley administration, there is still a major backlog of court cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Barbados is free from war and insurgencies. However, complaints that the Royal Barbados Police Force physically abuses suspects to secure information have been reported in recent years.

The number of homicides, often related to microtrafficking (drug trafficking in small quantities), has risen steadily in recent years, although the figure decreased from 42 in 2020 to 32 in 2021.

The government has taken some steps to address prison overcrowding and abuse. In 2019, the government repealed the mandatory death penalty in cases of murder. Capital punishment remains on the statute book, though the last execution was carried out in 1984 and the last sentence was given in 2016. However, several prisoners on death row are still awaiting resentencing.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women make up half of the country's workforce, although they earn less than men for comparable work. LGBT+ people face discrimination in housing, employment, and health care, and reported verbal harassment from the authorities when seeking assistance during the pandemic.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Individuals in Barbados are generally free to move, live, and work across the territory as they see fit.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal framework generally supports property rights and private-business activity. The government has worked to ensure a healthy environment for business and to attract domestic and foreign investment, particularly in the tourism industry.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Violence against women remains widespread, and laws addressing domestic violence—which spiked during COVID-19 lockdowns in 2020—are not well enforced. Same-sex relations remain punishable with jail sentences, though the law is not enforced.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Residents generally have access to economic opportunity, and the law provides some protections against exploitative labor practices. However, some estimates suggest that 50 percent of the population fell below the poverty line in 2020. The number of families seeking government assistance to pay for basic needs, including electricity and internet bills and books and supplies for school, rose sharply in 2021.

The government has taken steps to crack down on human trafficking, including police raids, screening of vulnerable people, training officials to detect possible trafficking victims, and awareness campaigns. However, reflecting in part a lack of resources, there have been no prosecutions for trafficking since the 2016 Trafficking in Persons Prevention Act (TIPPA) came into force.

Belarus

Population: 9,300,000

Capital: Minsk

Freedom Status: Not Free

Electoral Democracy: No

Overview: Belarus is an authoritarian state in which elections are openly rigged and civil liberties are severely restricted. In 2020, Alyaksandr Lukashenka, who maintains a firm grip over the military and security forces, cracked down on a massive prodemocracy protest movement, that was sparked by his reelection in a fraudulent presidential poll. Since then, security forces have violently assaulted and arbitrarily detained journalists and ordinary citizens who challenge the regime, whether by means of protesting, reporting on events, or posting opinions online. The judiciary and other institutions lack independence and provide no check on Lukashenka's power.

KEY DEVELOPMENTS IN 2021

- Between July and October, the Belarusian authorities ordered the dissolution of more than 270 independent nonprofit organizations and public associations, including the Belarusian Association of Journalists, the Belarusian Helsinki Committee, and the Belarusian PEN Center. Throughout the year, security forces raided the offices and homes of human rights activists who remained in the country.
- In May, Belarusian authorities forced a Ryanair flight traveling from Athens to Vilnius to make an emergency landing in Minsk in order to arrest exiled blogger and opposition activist Raman Pratasevich. In response, the European Union (EU) banned Belarusian airlines from entering its airspace and from accessing its airports. As of November, Pratasevich was under house arrest in an unknown location in Belarus and had likely been subjected to torture.
- By November, approximately 4,000 migrants and refugees were camped in Belarus near the Polish border. The Lukashenka regime deliberately facilitated the passage of migrants—most of them from Iraq—through Belarus to the borders of the EU to divide the bloc and force them to end sanctions they imposed on the country. Both the Polish and Belarusian authorities used tear gas and water cannon against the migrants, who were left in freezing temperatures without adequate shelter, supplies, and assistance. At least 12 people died in the cold.
- The government forcefully cracked down on independent media during the year. Over 110 journalists were detained throughout the year, 32 of whom remained in prison at the end of the year. Authorities blocked access to over 100 news and media sites, including the largest and most popular internet portal in Belarus, Tut.by.

POLITICAL RIGHTS: 2 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president is elected for five-year terms, and there are no term limits. President Lukashenka was first elected in 1994, in the country's only democratic election. The 2020 campaign period was heavily controlled by authorities, who permitted only 15 of 55 applicants to register as candidates. The government arrested two major candidates, Siarhei Tsikhanouski and Viktor Babaryka, and forced another candidate, Valery Tsepkalo, to flee the country before voting day. Scores of activists were similarly arrested or fled the country. Sviatlana Tsikhanouskaya and Veronika Tsepkalo, who led the largest opposition rallies in the country since the fall of the Soviet Union, both became popular candidates after their husbands were arrested and forced to flee. They experienced severe pressure from authorities and eventually went into exile after the August election. Authorities failed to send an invitation to the Organization for Security and Co-operation in Europe (OSCE) on time, and the elections took place without an independent monitoring mission.

The government claimed that Lukashenka won the poll with 80 percent of the vote, though this was widely denounced as fraudulent. A parallel and independent vote count using the mobile phone application Golos, with data from just under 23 percent of polling stations, revealed that Tsikhanouskaya likely received 13 times more votes than were reported. Protests after the announcement of the results were met with disproportionate police force, including the use of live ammunition and mass, arbitrary detentions, among other abuses. Documentation by human rights organizations showed that by the end of the year, 33,000

people had been detained and fined, 169 people were being held as political prisoners, and the government had opened more than 900 criminal cases, all related to the election period. In 2021, the number of political prisoners continued to increase, reaching nearly 1,000 people by the end of the year.

In September 2020, amid ongoing massive protests and growing calls for a repeat election, Lukashenka inaugurated himself in a secret, unannounced ceremony.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Legislative elections in Belarus are tightly restricted. The 110 members of the Chamber of Representatives, the lower house of the National Assembly, are elected by popular vote to four-year terms from single-mandate constituencies. The upper chamber, the Council of the Republic, consists of 64 members serving four-year terms: regional councils elect 56 and the president appoints 8.

A parliamentary election was held in November 2019, nearly a year ahead of schedule. Candidates loyal to President Lukashenka won every seat in the lower house, while independent candidates won none. OSCE election monitors reported an overall lack of transparency, restrictions on observation of the vote count, and indications of ballot box stuffing.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The legal framework for elections fails to meet democratic standards, and authorities have dismissed OSCE recommendations to improve it. Electoral commission members of all levels are politically aligned with and dependent on the government, and independent observers have no access to ballot-counting processes. Out of the 1,989 members of local electoral commissions formed for the presidential election, authorities allowed only two representatives of independent political parties to register, dismissing thousands of other independent applications.

In December 2021, President Lukashenka published a draft of a new constitution that would further cement his grip on power. The new constitution would reintroduce a two-term limit for five-year terms to the office of president. These limits would take effect once a newly elected president assumed office and would not apply to Lukashenka's current term. He would thus be able to be reelected as president until 2035, despite feigning a capitulation to international pressure to enact democratic constitutional changes. Among other changes, the new constitution also introduces a new governing body, the All-Belarus People's Assembly, to operate in parallel with the parliament and extends parliamentary terms to five years. Discussions for the amendments lacked transparency and any opportunity for public debate. A referendum is scheduled for February 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Involvement in political activism can result in a loss of employment, expulsion from educational institutions, smear campaigns in the media, fines, and the confiscation of property. Political parties face formidable challenges when seeking official registration. Political initiatives are actively persecuted and can lead to criminal charges for the leaders. Authorities harass and threaten political opponents, public figures, and political dissidents through state media.

In August 2020, Maryia Kalesnikava, who campaigned with Tsikhanouskaya and Babaryka, announced the creation of a new political party called “Together.” In September, Kalesnikava was kidnapped and later incarcerated, effectively ending the initiative. That same month, Tsikhanouskaya and other activists, including the winner of the 2015 Nobel Prize in Literature, Sviatlana Aleksiyeovich, formed the Coordination Council, a civil society group that sought a peaceful resolution to the postelection violence and a rerun of the presidential poll. The government responded to the group’s creation by arresting and prosecuting several of its leaders, claiming that they were attempting to seize power illegally and that they were a national security threat. In September 2021, Kalesnikava and Maxim Znak, another member of the Coordination Council, were sentenced to 11 years and 10 years in prison, respectively, for conspiracy to seize power, among other dubious charges.

In 2021, prominent political opponents to Lukashenka’s regime continued to face politically motivated criminal charges and lengthy prison sentences. Viktor Babaryka was sentenced to 14 years in prison, and Siarhei Tsikhanouski for 18 years. Other activists prosecuted alongside Siarhei Tsikhanouski, such as Mikola Statkevich, Ihar Losik and others, also received lengthy prison terms.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

There is effectively no opportunity for independent candidates to gain power through elections, and Belarus has never experienced a democratic transfer of power. During the 2020 presidential election, vast numbers of Belarusians responded enthusiastically to the participation of opposition candidates. This interest manifested itself at the early stages of campaign and, despite the regime’s attempts to eliminate challengers, developed into a broad civil resistance movement. However, Lukashenka’s regime has proven unyielding to the popular demand for political change.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Private citizens and political candidates are limited in their opportunities to express their views and make political choices. Meaningful participation in politics is generally not possible. The police and military used severe, sometimes fatal violence, and arrested and detained over 33,000 people to crack down on the peaceful prodemocracy protests that took place between August and November 2020, ensuring that Lukashenka would maintain his power.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

No registered party represents the specific interests of ethnic, religious, or other minority groups. Between July and October 2021, the Belarusian authorities dissolved more than 270 nonprofit advocacy groups, charity organizations, and nongovernmental organizations (NGOs), some of which represented the interests of LGBT+ people and people living with disabilities.

Women formally enjoy equal political rights and make up 40 percent of the legislators elected in November 2019. However, women are underrepresented in leadership positions. Women’s advocacy groups have diverging positions on promoting the political rights of women, with some such groups taking the position that there is no need for gender equality initiatives in Belarus. There has been some visible activism by women’s groups seeking to raise awareness of gender-based violence, but the government has largely refrained from addressing their concerns.

C. FUNCTIONING OF GOVERNMENT: 1 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Though Lukashenka claimed victory in the 2020 presidential elections, the legitimacy of his office is disputed both domestically and internationally. The constitution vests power in the president, stating that presidential decrees have higher legal force than legislation. Lukashenka considers himself the head of all branches of government, including the parliament, which always supports his policies and rarely initiates legislation on its own.

C2. Are safeguards against official corruption strong and effective? 1 / 4

The state controls at least 70 percent of the economy, and graft is encouraged by a lack of transparency and accountability in government. There are no independent bodies to investigate corruption cases, and graft trials are typically closed. Presidential clemency has been issued occasionally to free convicted corrupt officials, some of whom Lukashenka has returned to positions of authority.

Powerful oligarchs enjoy the protection of the government and adjustment of regulations and government policies in their favor, so long as they channel money in a quid pro quo back to Lukashenka by other means. Spurious bribery and tax evasion charges have been used against Lukashenka's political opponents; for example, in 2021, Viktor Babaryka was sentenced to 14 years' imprisonment on corruption charges after he announced his intentions to register as a presidential candidate.

C3. Does the government operate with openness and transparency? 0 / 4

The government largely fails to adhere to legal requirements providing for access to information. In recent years, authorities have moved to make some basic information about government operations available online. However, the COVID-19 pandemic further revealed the government's inability to provide transparent information to the public. President Lukashenka frequently provided conflicting and misleading information and guidance about the dangers of the coronavirus, ways to reduce its spread, and the importance of mass vaccination. Evidence from the United Nations (UN) suggested that the government's reported COVID-19 case numbers and mortality rate were vastly inaccurate.

Similarly, the regime has deliberately kept silent about important matters, such as talks with Russia about economic and other issues.

From August through November 2021, Lukashenka intentionally withheld and obscured information about the increased numbers of economic migrants and asylum seekers that were being allowed into the country. Journalists and human rights groups were for months prevented access to the migrant camps in Belarus near the Polish border.

CIVIL LIBERTIES: 6 / 60 (-3)**D. FREEDOM OF EXPRESSION AND BELIEF: 1 / 16 (-1)****D1. Are there free and independent media? 0 / 4**

The government exercises unrestricted control over mainstream media. The 2008 media law secures a state monopoly over information about political, social, and economic affairs. Libel is both a civil and criminal offense, and the criminal code contains provisions protecting the "honor and dignity" of high-ranking officials.

The government owns the only internet service provider and controls the internet through legal and technical means. From August 9 to 12, 2020, during the height of the mass prodemocracy protests, the government shut down the internet in almost the entire country,

limiting the ability of reporters to provide accurate information to the public. Internet disruptions were registered during protest rallies throughout 2020.

The official definition of mass media includes websites and blogs, placing them under the Information Ministry's supervision. Most independent journalists operate under the assumption that they are under surveillance by the Committee for State Security (KGB). Reporters are subject to fines, detention, intimidation, and criminal prosecution for their work. The regime has used antiextremism legislation and investigations into alleged financial crimes to curtail media activity. In May 2021, the government amended legislation on "mass media," "mass events," and "criminal liability," all of which tightened restrictions for independent media and significantly increased the already disproportionate criminal penalties for legitimate journalistic activities.

The government forcefully cracked down on independent media in 2021. Security forces raided offices and homes of independent journalists, arrested journalists and staff members of news outlets, and seized servers and equipment. Over 110 journalists were detained during the year, 32 of whom remained in prison at the end of December. Two journalists, Daria Chultsova and Katsiaryna Andreyeva who were detained after a live broadcast of a political protest in 2020, were sentenced to two years in prison in February 2021. Authorities blocked access to over 100 news and media sites, including the largest and most popular internet portal in Belarus, Tut.by. At least 10 print media outlets were forced to stop publishing.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Despite constitutional guarantees of religious equality, government decrees and registration requirements maintain restrict religious activity. Legal amendments in 2002 provided for government censorship of religious publications and barred foreigners from leading religious groups. The amendments also placed strict limitations on religious groups active in Belarus for less than 20 years. In 2003, the government signed a concordat with the Belarusian Orthodox Church, which is controlled by the Russian Orthodox Church, giving it a privileged position.

After the 2020 elections, Lukashenka attempted to weaken the Catholic Church's influence, which had denounced state violence against peaceful prodemocracy protesters. In December, the government denied Tadeusz Kondrusiewicz, a Belarusian citizen and Archbishop of Minsk–Mahileu, reentry to the country. Though he was allowed to return to Belarus later that month after negotiations with the Vatican and intense international pressure, he resigned in January 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom remains subject to intense state ideological pressures, and academic personnel face harassment and dismissal if they use a liberal curriculum or are suspected of disloyalty. Students and professors who join opposition protests face threat of dismissal and revocation of degrees.

The government pressures young people to join the state-sponsored pro-Lukashenka group Belarusian Republican Union of Youth (BRSU). The government has announced plans to tighten control over private schools and kindergartens, which noticed significant rise in demand after the 2020 election; many public school teachers were linked to the falsification of voting results.

Student activity at universities rose sharply in 2020, as many were involved in the August 2020 prodemocracy protests. Authorities responded with unprovoked brutality and repression, as plainclothes security forces attacked peaceful student protests within and outside of university campuses. Lukashenka replaced at least eight deans at different universities. Between August 2020 and May 2021, at least 153 students were arbitrarily expelled from universities, many of whom fled to neighboring countries. Throughout 2021, student activists were arrested and given several-year prison sentences for actions that allegedly “violated social order” or created “an extremist entity,” among other spurious charges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4 (-1)

The use of wiretapping and other surveillance by state security agencies limits the right to free private discussion. Private citizens often avoid discussing sensitive issues over the phone or via internet communication platforms, for fear that state security agents are monitoring conversations.

During and after the 2020 election period and prodemocracy protests, authorities threatened, harassed, and arrested protesters, presidential candidates, professionals in the cultural sphere, academics, theater troupes, athletes, medical professionals, public figures, private individuals, and others who spoke out against Lukashenka and the postelection violence.

Police routinely coerce, threaten, and torture detained individuals, forcing them to open their mobile devices in search of photos, videos, and correspondence that confirmed their participation in the prodemocracy protests. Authorities also monitored social media activity of people who were arrested in order to find evidence of their participation in the protests and potentially increase the criminal charges they would face. The private company Synesis, which was sanctioned by the EU, reportedly helped authorities identify and arrest demonstrators after the 2020 elections by providing video surveillance technology with facial recognition.

Voicing criticism of public officials and security forces on social media platforms, including sharing posts from other users or media sites that have been labeled “extremist,” can lead to criminal charges. In 2021, security forces violently detained and arrested hundreds of people who had posted allegedly critical or insulting comments about state officials on social media. Defamation charges were used to prosecute such speech, with ordinary internet users being sentenced to more than a year in jail. Local authorities routinely surveil and monitor individuals who display publicly or privately any symbols of the opposition, including coded phrases or colors.

In May 2021, Belarusian authorities forced a Ryanair flight traveling from Athens to Vilnius to make an emergency landing in Minsk in order to arrest exiled blogger and opposition activist Raman Pratasevich. Domestic rights groups and international organizations and governments condemned Lukashenka’s actions and responded with new sanctions. The EU banned Belarusian airlines from entering its airspace and from accessing its airports. As of November, Pratasevich was under house arrest in an unknown location and had likely been subjected to torture.

Score Change: The score declined from 1 to 0 because authorities took extraordinary measures to punish critical expression on social media, including the forced landing of an international flight to detain opposition activist Raman Pratasevich and arresting people for their critical comments posted online.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12 (-1)**E1. Is there freedom of assembly? 0 / 4**

The government severely restricts freedom of assembly. Protests require permission from local authorities, who often arbitrarily deny it. The May 2021 amendment to the law on mass events imposes strict authorization requirements and impedes organizers' ability to raise funds for protests.

In the summer of 2020, unprecedented prodemocracy protests, demonstrations, and campaign rallies for Tsikhanouskaya occurred across the country—in the form of street chains, marches, and block parties with concerts and performances—assembling hundreds of thousands of people. Police and military forces only partially succeeded in blocking people from congregating before voting day on August 9. But in the weeks that followed, the government deployed military equipment and armed riot police, who attacked and arrested people brutally and indiscriminately, at times opening fire with live ammunition, killing several. More than 33,000 people were arrested and later tried, jailed, or fined. Numerous instances of cruel treatment, beatings, and torture of protesters were recorded, with total impunity for the security forces involved.

The Lukashenko regime amended the criminal code and increased the administrative fines and detention period (between 15 and 30 days) for participating in an unauthorized mass event. Administrative detention has been instrumentalized by the government against participants in the prodemocracy movement that began in 2020.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4 (-1)

Freedom of association is severely restricted. Registration of groups remains selective, and regulations ban foreign assistance to entities and individuals deemed to promote foreign meddling in internal affairs. Prior to the 2020 prodemocracy movement, few human rights groups managed to operate due to resource shortages and pressure from the authorities, and staff and supporters risk prosecution and fines for their activism. Though the rise of the prodemocracy movement brought with it increased citizen activism, since August 2020 activists have been arrested by the thousands, and many more have fled the country.

Between July and October 2021, the Belarusian authorities ordered the dissolution of more than 270 independent NGOs and public associations, including prominent organizations like the Belarusian Association of Journalists, the Belarusian Helsinki Committee, and the Belarusian PEN Center. Throughout the year, security forces raided the offices and homes of human rights activists who remained in the country. For example, the director of and a lawyer from the Office for the Rights of Persons with Disabilities were detained due to a dubious fraud investigation. The organization ceased all activities and was in the process of dissolution.

Participation in unregistered or dissolved organizations was decriminalized in 2018. However, the criminal code was amended in 2021 to provide for exorbitant fines for participants in such organizations, further complicating the ability of human rights watchdogs to record civil liberties infringements.

Score Change: The score declined from 1 to 0 because authorities embarked on a wide-ranging crackdown against NGOs, marked by ongoing arrests and prosecutions of civil society activists and the closure of hundreds of independent organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Independent labor unions face harassment, and their leaders are frequently fired and prosecuted for engaging in peaceful protests. No independent unions have been registered since 1999, when Lukashenka issued a decree setting extremely restrictive registration requirements.

Independent unions were prominent in the prodemocracy movement in the summer of 2020, striking to protest the fraudulent presidential election and police violence toward peaceful demonstrators. The state increasingly targeted and pressured workers to prevent them from going on strike. Union leaders and rank-and-file members were arrested, fined, dismissed from their posts, sent to psychiatric institutions, and forced into exile.

In September 2021, security forces arrested at least 11 people, accusing them of being involved in an independent labor movement. The arrested workers face criminal charges of treason and conspiracy to seize power, with a maximum punishment of 15 years in prison.

F. RULE OF LAW: 0 / 16 (-1)**F1. Is there an independent judiciary? 0 / 4**

Courts are entirely subservient to President Lukashenka, who appoints Supreme Court justices with the approval of the rubber-stamp parliament.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The right to a fair trial is not respected and often flatly dismissed in cases with political overtones. In a departure from international norms, the power to extend pretrial detention lies with a prosecutor rather than a judge. The absence of independent oversight allows police to routinely violate legal procedures. The government regularly attacks attorneys, who often are the only connection between imprisoned activists and their families and society.

During and after the presidential campaign of 2020 and throughout 2021, arbitrary arrests, police brutality and torture, and the denial of due process rights continued with impunity. Lawyers were often denied the right to meet with their defendants. Many lawyers defending political prisoners (arrested during the prodemocracy protests) were disbarred or arrested.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Law enforcement agencies have broad powers to employ physical force against suspects, who have little opportunity for recourse if they are abused. Human rights groups continue to document instances of beatings, torture, and intimidation during detention. During and after the presidential election period in 2020 and throughout 2021, detained peaceful prodemocracy protesters experienced cruel and dehumanizing treatment during their arrests, while being transported to detention centers and when incarcerated.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4 (-1)

Authorities have sought to increase the dominance of the Russian language. Official Usage of Belarusian remains rare. The UN Educational, Scientific, and Cultural Organization (UNESCO) recognizes Belarusian as “vulnerable.” Since Lukashenka became president, the share of first graders who study in Belarusian fell from 40 to under 10 percent in 2019.

Women are prohibited from entering 181 different occupations, and societal norms in much of the country hold that women should be mothers or housewives. However,

Tsikhanouskaya's mass support in the prodemocracy movement has become a slight counter to long-standing gender roles.

LGBT+ people face widespread societal discrimination, and law enforcement authorities are reluctant to investigate and prosecute attacks against them.

Beginning in August 2021, Belarusian authorities began to allow an increased number of migrants and refugees to enter the country. The Lukashenka regime deliberately facilitated the passage of migrants—most of them from Iraq—through Belarus to the borders of the EU so as to divide the bloc and attempt to force an end to EU sanctions imposed on the country. Reports suggest that authorities have urged, and in some cases forced economic migrants to attempt to illegally enter the EU, providing them equipment to breach fences or preventing them from returning to Belarusian cities. By November, approximately 4,000 people were camped near the Polish border, and there were allegedly between 10,000 and 20,000 migrants throughout Belarus. Both the Polish and Belarusian authorities used tear gas and water cannon against the migrants, who were left in freezing temperatures without adequate shelter, supplies, and assistance. At least 12 people died in the cold. Lukashenka barred human rights groups and journalists from accessing the camps until November, when they were given limited access. By the end of the year, approximately 2,000 asylum seekers, refugees, and migrants were stranded in Belarus. Over 1,000 people chose to return home voluntarily. Repatriation efforts were still ongoing.

Score Change: The score declined from 1 to 0 because asylum seekers and migrants traveling through Belarus faced mistreatment by authorities, with some reportedly forced across the western border and prevented from returning.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Opposition activists are occasionally detained at the border for lengthy searches. Passports are used as a primary identity document in Belarus, and authorities are known to harass people living in a different location than indicated by domestic stamps in their passport.

On numerous occasions, authorities forced the expulsion of politically active Belarusians in 2020 and 2021. Prominent prodemocracy figure Tsikhanouskaya, Archbishop of the Belarusian Catholic Church Kondrusiewicz, and other public figures were forced to leave the country. In December 2020, authorities prohibited Belarusians from leaving the country at land border crossings, except with Russia, ostensibly to prevent the spread of COVID-19; the policy was likely enforced to prevent political dissidents from fleeing. In May 2021, the EU banned Belarusian airlines from traveling over its airspace and accessing its airports. This has limited travel options for Belarusian citizens and significantly increased the cost of leaving the country. Further restrictions on air travel were imposed in response to the border crisis instigated by the Belarusian authorities.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Though limits on economic freedom have eased in recent years, state interference still affects the economy and profitable business owners are never secure from arbitrary government pressure and harassment. Many businesspeople that became involved in the postelection prodemocracy efforts, often to support victims of human rights abuses or to incentivize policemen to resign from law enforcement, were criminally prosecuted on groundless claims. Other businesses and their owners who supported candidates other than Lukashenka

have been arrested under false pretense. Multiple businesses relocated their employees to neighboring countries fearing that they would be harassed or prosecuted by the state.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence is a pervasive problem in Belarus, and police register about 150,000 incidents per year. In 2018, Lukashenka blocked a draft law on the prevention of domestic violence jointly developed by the law enforcement agencies and civil society representatives. He called attitudes against the corporal punishment of children “nonsense from the West” and insisted that “good” punishment of children could be useful to them. Threats of losing custody of children are often used to intimidate and harass political activists.

The constitution explicitly bans same-sex marriage. The Belarusian government led an effort in 2016 to block LGBT+ rights from being part of a UN international initiative focused on urban areas. In December 2021, authorities released a draft of a new constitution, subject to a national referendum set for February 2022, which includes a definition of marriage as a union solely between a man and a woman. This would create further obstacles for same-sex partners to have legal recognition.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Mandatory unpaid national workdays, postgraduate employment allocation, compulsory labor for inmates in state rehabilitation facilities, and restrictions on leaving employment in certain industries have led labor activists to conclude that all Belarusian citizens experience forced labor at some stage of their life. Many women become victims of the international sex trade.

In 2018, based on a presidential decree, the government effectively revived a plan to tax the unemployed by mandating full payment for housing and utility services starting in 2019. An attempt to impose the tax in 2017 was met with mass protests that were brutally suppressed.

Belgium

Population: 11,500,000

Capital: Brussels

Freedom Status: Free

Electoral Democracy: Yes

Overview: Belgium is a stable electoral democracy with a long record of peaceful transfers of power. Political rights and civil liberties are legally guaranteed and largely respected. Major concerns in recent years have included the threat of terrorism, corruption scandals, and rising right-wing nationalism and xenophobia.

KEY DEVELOPMENTS IN 2021

- In May, a court ordered a Brussels-based public transport company to pay €51,000 (\$60,700) in damages to a woman who was denied a job because of her choice to wear a hijab. However, anti-Muslim rhetoric, including among senior politicians, continued to rise throughout the year, leading to the July resignation of Ihsane
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Haouach, a newly appointed government commissioner who faced months of harassment for choosing to wear a hijab.

- The government imposed travel restrictions in January in response to the spread of COVID-19. The measures were eased over the course of the year as vaccination rates rose.

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The Belgian monarchy is largely ceremonial, although the king retains constitutional authority to mediate the process of government formation. He was particularly active in this role in 2020 as negotiations over a new government stalled. The prime minister, who is the leader of the majority party or coalition, is appointed by the monarch and approved by the legislature. In late September 2020, seven parties forged a parliamentary majority under the leadership of Alexander De Croo of the Open Flemish Liberals and Democrats party, who was sworn in as prime minister in October.

Belgium's multilayered subnational administrative units have their own governments with varying degrees of autonomy. In addition to the three main geographic divisions of French-speaking Wallonia in the south, Flemish-speaking Flanders in the north, and the bilingual Brussels capital region, there are overlapping governments for the French community, the Flemish community, and the much smaller German-speaking community. Beneath these are provincial and various local governments. In 2019, the German-speaking community launched a system of participatory democracy in which citizens are selected by lot to join a Citizens' Council, which provides input on policy matters.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Belgium's federal parliament consists of two houses: the Chamber of Representatives and the Senate. The 150 members of the lower house are elected directly by proportional representation. The Senate is composed of 50 members selected by community and regional parliaments, and an additional 10 members chosen by the first 50 based on the results of the Chamber of Representatives elections. Members serve five-year terms in both houses, and elections are generally free and fair.

In the May 2019 elections, establishment parties lost significant shares of support to parties on the far left and far right of the political spectrum. For example, the right-wing, nationalist New Flemish Alliance (N-VA) lost some power, taking 25 seats in the Chamber of Representatives (down 8 seats), but the far-right, separatist Flemish Interest (VB) party won 18 seats, a gain of 15. On the left, the francophone Socialist Party (PS) won 20 seats, down 3 from the previous election, while the Greens—composed of the francophone Ecolo and their Flemish-speaking counterpart Groen—won a combined 21 seats, a significant increase. The leftist Workers' Party of Belgium (PvdA in Flemish, PTB in French) also made major gains, rising from 2 seats to 12. A total of 12 parties won seats in the lower house, and it took until September 2020 to form a new government, a delay that is not historically unusual for Belgium.

Regional elections held concurrently in May 2019 showed a similar trend, with losses by establishment parties in all parts of the country.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Despite the complexity of the political system, the electoral laws and framework are generally fair and impartially implemented.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

The party system is robust but highly fragmented, with separate Flemish and franco-phone political parties representing various positions on the left-right spectrum.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Belgium's coalition-based politics allow individual parties to move easily in and out of government, and there is a long record of peaceful transfers of power between rival parties at the federal level. However, the 2019 regional and federal elections showed decreasing support for establishment parties and increasing support for far-right, far-left, and green parties across the country. The increasing power of the Flemish right-wing N-VA and the far-right VB makes majority coalitions that exclude these nationalist parties increasingly difficult to assemble. The N-VA and VB became the two largest parties in Flanders after the 2019 elections, and they criticized the formation in 2020 of a federal government that lacked their participation.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The political choices of voters and candidates are generally free from undue interference.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Members of racial, ethnic, religious, and other minority groups are free to participate in national and subnational politics, and women also enjoy full political rights. In the 2019 elections, women were elected to 65 seats out of 150 in the Chamber of Representatives; this 43 percent share represented a rise of 4 percentage points from the 2014 elections. The Senate must have a minimum of 20 women senators.

In general, the larger parties incorporate members of minority groups, including in senior positions. In 2019, Belgians elected Petra De Sutter, an openly transgender member of the Groen party, as a member of the European Parliament; in 2020, De Sutter became Belgium's deputy prime minister. In May 2021, Ihsane Haouach, who wears a hijab, was appointed as government commissioner at the Institute for the Equality of Women and Men. However, Haouach resigned her post in July after facing months of anti-Muslim harassment, including by francophone politician Georges-Louis Bouchez, who claimed that her choice to wear a headscarf represented a violation of "the neutrality of the state."

C. FUNCTIONING OF GOVERNMENT: 11 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials generally adopt and implement laws and policies without improper interference from unelected entities, though the difficulty of forming majority coalitions has sometimes disrupted governance over the past decade.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Public officials can face heavy fines and up to 10 years' imprisonment for corruption-related offenses, and enforcement of anticorruption legislation is generally adequate. However, recent corruption scandals have drawn attention to abuses involving politicians who hold multiple positions on the boards of public and private entities, with some officials holding more than a dozen paid positions. The Group of States against Corruption (GRECO), a Council of Europe (CoE) anticorruption body, has repeatedly warned about Belgium's slow implementation of recommended anticorruption reforms.

C3. Does the government operate with openness and transparency? 4 / 4

The law provides mechanisms for the public to access government information, and these procedures generally function in practice. Legislators and other high-ranking elected officials are required by law to regularly disclose their assets as well as paid or unpaid mandates, executive functions, and occupations to the Court of Audit. Information about asset declarations is not publicly accessible, but declarations of interests are published in the official government gazette. In recent years, both GRECO and the European Commission have recommended that Belgium adopt stronger regulations governing interactions between lobbyists and high-level government officials, including members of parliament.

CIVIL LIBERTIES: 57 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 4 / 4**

Freedom of the press is guaranteed by the constitution and generally respected by the government. Belgians have access to numerous public and private media outlets that present a range of views. Internet access is unrestricted. While online harassment cases are generally rare, the CoE issued several alerts about the online harassment of journalists during 2021. Some law enforcement actions affecting journalists have raised concerns in recent years. In May, police searched the home of journalist Dirk Selis after he published an investigative report on alleged political interference in COVID-19 vaccine allocation processes in Limburg. The Flemish Association of Journalists (VVJ) condemned the search as illegal and announced plans to address the incident with both political and judicial officials.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

More than half of the country's population identifies as Roman Catholic. Freedom of religion is generally protected, but members of minority religious groups have complained of discrimination and harassment. A ban on the partial or total covering of the face in public locations, which is understood to target Muslims, has been in effect since 2011. The rise of nationalist and far-right parties in Flanders has contributed to the normalization of anti-Muslim rhetoric.

Several high-profile anti-Muslim incidents occurred during 2021. In May, a court ordered a Brussels-based public transport company to pay €51,000 (\$60,700) in damages to a woman who was denied a job because she wears a hijab. The court found that preventing individuals from wearing religious symbols in the workplace constitutes discrimination and disproportionately affects women. In the wake of Ihsane Haouach's July resignation as government commissioner at the Institute for the Equality of Women and Men, media reports alleged that she had resigned due to ties with the Muslim Brotherhood; Haouach denied having any such links and said the reports were part of a smear campaign.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government does not restrict academic freedom. Schools are free from political indoctrination, and there are no significant impediments to scholarly research or discussion.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is open and vibrant, and freedom of expression is guaranteed by the constitution, though there are laws banning incitement to hatred and other such offenses, which occasionally lead to prosecutions, fines, and jail terms.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is protected by law and generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Freedom of association is guaranteed by the constitution, and nongovernmental organizations operate without undue restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers at companies that employ more than 50 people have the right to organize and join unions and to bargain collectively. Employers found guilty of firing workers because of union activities are required to reinstate the workers or pay an indemnity.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent by law and in practice, and court rulings are duly enforced by other state entities.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The judicial process generally guarantees a fair trial, and the authorities typically observe safeguards against arbitrary arrest and detention. Extraordinary security measures adopted in the period surrounding terrorist attacks in 2015 and 2016 have eased significantly in the years since, though a 2017 legal change increased the maximum length of detention in police custody without a judicial order from 24 to 48 hours.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Although conditions in prisons and detention centers meet most international standards, the facilities continue to suffer from overcrowding and other problematic living conditions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Antidiscrimination legislation prohibits bias and acts of hatred and incitement based on categories including gender, race, ethnicity, nationality, and sexual orientation.

Nevertheless, some groups, including immigrants, Belgians of African descent, and Romany residents, continue to face a degree of discrimination in practice.

In 2019, UN experts stated that racial discrimination is institutionally endemic in Belgium and called for recognition of the country's history of human rights abuses during its colonial rule over what is now the Democratic Republic of the Congo. Following debates prompted by the Black Lives Matter protests in 2020, King Philippe expressed regrets over Belgian colonial rule. Although politicians have gradually become aware of the need for critical discussion about the country's past, the rising influence of hard-right nationalist parties in Flanders has been accompanied by racism and xenophobia.

In 2020, the death of a young adult of Moroccan descent after a police chase in Brussels resulted in brief riots and prompted discussion of police discrimination against Belgians with racial or ethnic minority backgrounds who reside in areas of high poverty. The Interfederal Centre for Equal Opportunities (UNIA), Belgium's state antidiscrimination agency, has received hundreds of complaints of police mistreatment and abuse of migrants and members of ethnic and racial minority groups in recent years.

Despite robust legal protections for the rights of LGBT+ people, such individuals sometimes face instances of violence and discrimination in practice. In March 2021, a man was killed in a homophobic attack committed by three teenagers, who were quickly arrested.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The law provides for freedom of domestic movement and foreign travel, and the government upholds these rights in practice. The authorities introduced travel restrictions in January 2021 in response to the spread of COVID-19, but the rules were eased over the course of the year as vaccination rates rose.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal framework supports property rights, and commercial activity is regulated without arbitrary interference.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

There are few significant restrictions on personal social freedoms. Belgium legalized same-sex marriage in 2003, and in 2006 same-sex couples gained the right to adopt children.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Immigration has increased in recent years, but non-European Union immigrants and their Belgian-born children remain poorly integrated into the labor market.

Despite government efforts to combat the problem, Belgium remains a destination country for human trafficking, particularly for sexual exploitation and domestic labor; victims generally originate in Eastern Europe, Asia, and Africa.

Belize

Population: 400,000

Capital: Belmopan

Freedom Status: Free

Electoral Democracy: Yes

Overview: Belize is a democracy that has experienced regular rotations of power through competitive elections. Civil liberties are mostly respected. Government corruption is a concern, as is the high rate of violent crime. Authorities have been slow to address persistent problems of police brutality and human trafficking within the country's borders.

KEY DEVELOPMENTS IN 2021

- In April, the country's parliament passed new legislation mandating that Supreme Court and Court of Appeal judges deliver written judgments within six months of hearing a case or face dismissal.
- A state of emergency was declared for the south side of Belize City in August following a sharp increase in shootings in the area. The state of emergency remained in place until mid-September.

POLITICAL RIGHTS: 34 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister, usually the leader of the largest party in the parliament, is head of government. Formally, the prime minister is appointed by the governor general, who represents the British monarch as head of state. The legitimacy of the prime minister is largely dependent on the conduct of legislative elections, which are typically credible and well administered. After 17 years in opposition, the People's United Party (PUP), under the leadership of Johnny Briceño, won a convincing victory in the November 2020 elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 31 members of the House of Representatives are directly elected to five-year terms. The Senate has 12 seats. The ruling party, the opposition, and several civil associations select the senators, who are then appointed by the governor general.

In the 2020 legislative polls, the opposition PUP won a landslide victory, taking 26 of the 31 seats. Turnout was over 81 percent, the highest since 1998.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair. The Organization of American States (OAS) has suggested that the role of the Elections and Boundaries Commission and the Elections and Boundaries Department be strengthened, and that authorities work to reduce partisanship associated with the confirmation of their appointees. In 2019, opposition parties and civil society groups brought a case to force a revision of Belize's highly malapportioned constituencies, but an opposition-party request for an injunction stopping the 2020 elections pending resolution of the redistricting issue was denied in October 2020. In December 2021,

the Elections and Boundaries Commission announced that the redistricting process would begin in 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties can organize freely. The effects of the country's "first-past-the-post" electoral system have entrenched the two largest parties. While a number of smaller parties have competed, only the PUP and United Democratic Party (UDP) have won seats in the parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The political system allows for opposition parties to increase their support or gain power through elections. Since 1984 there have been fairly regular transfers of power between the two main parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Recent elections, including those in 2020, have been viewed as generally free of undue interference from entities outside the democratic political sphere. However, the OAS has raised concerns about the potential impact of unregulated campaign financing on the transparency of the political process.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women are reasonably well represented in the political system, holding four seats in the current House of Representatives and five seats in the Senate. There were 13 women candidates out of a total of 88 in the 2020 elections. In municipal elections held in March 2021, 24 women were elected, and the capital city, Belmopan, elected its first woman mayor.

Indigenous people, particularly those of Mayan descent, who make up 11 percent of the population, are not well represented in politics. Mestizo Belizeans and Afro-Indigenous peoples are better integrated into the political system. LGBT+ people face discrimination, which affects their ability to engage fully in political and electoral processes. A collection of religious denominations nominate one member of the Senate, but non-Christian groups are not included in the process.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The elected prime minister, cabinet, and national legislative representatives are duly seated following elections and are able to freely determine the policies of the government.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Belize continues to struggle with corruption, and there is little political will to address the problem. Anticorruption laws are poorly enforced.

Several high-profile cases of corruption and fraud in 2020 were connected to the UDP, including that of John Saldivar, who resigned as leader-elect of the party due to allegations that he

had received payments from a US businessman accused of fraud. In September 2021, a former UDP minister, Rene Jaime Montero, was charged with corruption for allegedly using ministry employees, heavy machinery, and fuel for his personal farms. Montero allegedly left Belize the day after his arrest warrant was issued in September; he had not returned by year's end.

C3. Does the government operate with openness and transparency? 2 / 4

The government generally engages in policymaking with openness and transparency. However, a January 2020 Supreme Court, which found that the UDP government improperly spent \$645 million, highlighted the UDP government's sidelining of the legislature on budgetary and finance matters. The court stated that the spending violated both the constitution and the Finance and Audit Reform Act.

There are also persistent problems with procurement processes and officials' financial disclosure statements. Members of Belize's business community allege favoritism influences the government's awarding of licenses and public contracts. In May 2021, the PUP government introduced the Protected Disclosures Bill, "to combat corruption" in both the public and private sectors. If passed, the bill would offer protection to whistleblowers.

In August, the governor of Belize's Central Bank, Gustavo Vasquez, was dismissed by the government only four months after his appointment to the role. Vasquez later implied that the termination came as a result of his attempts to "restore the integrity and operational autonomy" of the bank despite alleged opposition from the Ministry of Finance and certain interest groups within the economic sector.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The constitution guarantees freedom of the press, though it includes exceptions for interests such as national security, public order, and morality. While reporting generally covers a wide range of viewpoints in practice, journalists sometimes face threats, physical harassment, or assault in the course of their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally protected and largely respected in practice. Religious groups must register with the authorities, and foreign missionaries are required to obtain a visa and permit, but the procedures are not onerous.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on individual expression regarding politics or other such matters, whether in private discussion or on social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected, and the government generally respects this right.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations are generally free from government interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Unions are free to form and operate, and employers have been penalized for violating union rights under the labor code. However, while labor unions are active and politically influential, their ability to protect workers' rights is limited in practice. There are some restrictions on the right to strike, including an official definition of "essential" workers that is broader than the International Labour Organization's standard. In December 2021, plans to implement a COVID-19-related vaccination mandate for public sector workers were postponed due to opposition from the Public Service Union (PSU).

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is generally independent, despite inadequate resources and periodic attempts by political and business interests to interfere with its composition. After coming to power in 2020, the newly elected PUP government pledged to provide greater resources to the judiciary. In April 2021, the parliament passed new legislation requiring Supreme Court and Court of Appeal judges to deliver written judgments within six months or face dismissal.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Detainees and defendants are guaranteed a range of legal rights, which are mostly respected in practice. However, police have reportedly detained suspects without charge for longer than is permitted by the law and have used the threat of extended detention to intimidate suspects. Judicial delays and a large backlog of cases contribute to lengthy trials and other procedures, with many defendants spending years in pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Belize is free from major threats to physical security, such as war and insurgencies, but the long-running border dispute with Guatemala remains unresolved. Tensions have lessened in recent years, but there are occasional incidents.

Belize remains among the countries with the highest per capita murder rates in the world. There was a 24 percent decline in recorded homicides in 2020—likely due to lockdown restrictions aimed at curbing the spread of COVID-19. However, as of the end of 2021, recorded homicides had increased by 23 percent compared to the same period in 2020. Violence is localized around the south side of Belize City, where, in August 2021, a state of emergency was declared due to a spike in shootings. The state of emergency, which increased police authority to investigate and detain any person thought to be participating in criminal activity, remained in place through mid-September.

Cases of police brutality continue to be reported. The Police Amendment Act, promulgated in April 2018, was designed to improve disciplinary procedures, and increase penalties for police misconduct. Between January and August 2021, 14 police officers accused of misconduct were dismissed from the country's police force. However, some critics highlighted that only low-ranking officers were terminated, saying that higher-ranking police officials should face the same scrutiny.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution and laws protect against many forms of discrimination, but there are no specific provisions addressing sexual orientation or gender identity.

Discrimination against LGBT+ people persists. In 2016, the Supreme Court struck down a provision of the criminal code that outlawed same-sex sexual activity. In December 2019, the Court of Appeal upheld the unconstitutionality of the criminal code article and confirmed that constitutional freedom of expression and antidiscrimination protections include sexual orientation. Following the ruling, the government proposed the Equal Opportunities Bill, which would have ensured explicit protections against discrimination for all Belizeans, but the bill was withdrawn in September 2020 after encountering strong opposition from religious groups.

Women face employment discrimination and are less likely than men to hold managerial positions. However, the government has actively pursued programs aimed at encouraging gender equality and protecting women's rights.

Migration into Belize has increased significantly in recent years, and government estimates suggest that up to 15 percent of the country's population is without official documentation. Migrants face legal and social challenges to integration into Belizean society, and some immigrants have faced detention in Belize Central Prison for entering the country illegally. In December 2021, the government announced that an amnesty program would be introduced to allow undocumented immigrants to gain permanent residency under certain conditions.

No separate legal system or laws specifically protect Indigenous people.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government generally respects freedom of internal movement and foreign travel.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals have the right to own property and establish private businesses. However, legal regulations are at times poorly enforced. Leaders of the Indigenous Maya community say their ancestral land rights are not protected, particularly with regard to oil exploration and logging activities. In 2016 the Belizean government responded to a 2015 Caribbean Court of Justice (CCJ) ruling requiring recognition of Mayan land rights by setting up a commission to facilitate implementation of the court's decision, but progress has been slow. In June 2021, the government was ordered to pay US \$6.3 million to the residents of a Maya village after using the village's communal lands for the construction of a road without first acquiring the community's approval as mandated by the CCJ. The following month, Belize tourism authorities removed all references to Maya temples from official websites, allegedly in an attempt to separate Maya imagery from the country's tourism promotion. The decision was reportedly made to more fully comply with the 2015 consent order.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected, though domestic violence remains a serious problem despite government measures to combat it. Rape is illegal, but reporting and conviction rates are low, and sentences are sometimes light.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Some legal protections against exploitative working conditions are respected and enforced. However, Belizean and foreign women and girls are vulnerable to sex trafficking, and migrant workers are sometimes subjected to forced labor in agriculture, fisheries, and retail businesses. The US State Department's *Trafficking in Persons Report* for 2021 acknowledged the government's "significant efforts" to combat trafficking but noted that "the government did not demonstrate overall increasing efforts" and stated that "reports of official complicity in trafficking crimes were common."

Benin

Population: 12,600,000

Capital: Porto-Novo

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Benin had been among the most stable democracies in sub-Saharan Africa, but President Patrice Talon began using the justice system to attack his political opponents after taking office in 2016, and new electoral rules and a crackdown on his political opponents enabled him to consolidate his power in 2021. Deadly police violence at political protests, arrests of activists, and other restrictions on civil liberties have become increasingly problematic in recent years.

KEY DEVELOPMENTS IN 2021

- In April, Patrice Talon won reelection as president with 86 percent of the vote. The authorities had disqualified, arrested, or forced into exile the major opposition candidates, leaving only two opponents who posed no significant competition.
- After the April presidential election, human rights organizations reported that there had been a wave of ongoing arrests of activists and opposition figures by the authorities, though reports range from 36 to 150 people. Authorities also arrested Nigerian activists in both Benin and Nigeria.
- Reckya Madougou—a well-known prodemocracy campaigner, former justice minister, and 2021 presidential candidate—was arrested and detained in March on spurious terrorism charges for allegedly planning a series of assassination attempts. She was detained for nine months, reportedly in inhumane conditions. In December, Madougou was convicted, despite the prosecutor's lack of evidence or witnesses, and sentenced to 20 years in prison.

POLITICAL RIGHTS: 17 / 40 (-4)

A. ELECTORAL PROCESS: 3 / 12 (-2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (-2)

The president is elected by popular vote for up to two five-year terms and serves as both the chief of state and head of government. In April 2021, Patrice Talon won reelection as president with 86 percent of the vote. The authorities had disqualified, arrested, or forced into exile the major opposition candidates, leaving only two opponents who posed no significant competition. The electoral code adopted in Talon's first term gave elected members

of progovernment parties veto power over which candidates qualified for the ballot. Some opposition parties boycotted the election. Peaceful protesters against the unfair and noncompetitive contest were injured, and two people died after security forces fired tear gas and live ammunition into the air. Voter turnout was 50 percent, a historic low for the country's multiparty presidential contests. Observers described election day as "calm" and "orderly."

Constitutional amendments created the largely ceremonial position of vice president in the 2021 election. Mariam Chabi Talata, who ran as Talon's running mate, became the first to hold the office.

Score Change: The score declined from 3 to 1 due to the presidential election, which lacked meaningful opposition.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Delegates to the 83-member, unicameral National Assembly serve four-year terms and are elected by proportional representation. The 2019 legislative elections were neither free nor fair, as new electoral rules effectively prevented all opposition parties from participating. Observers canceled poll-monitoring plans for fear of violence, turnout fell to about a quarter of eligible voters amid an opposition boycott, there was an internet shutdown on election day, and security forces violently suppressed protests before and after balloting, resulting in several deaths.

Only the two progovernment parties, Progressive Union and Republican Bloc, on the ballot won seats. In November 2021, the new National Assembly adopted constitutional amendments, including provisions imposing three-term limits on legislators, expanding the body to 109 seats, and extending terms to five years beginning in 2026 to align them with those of the president. The government ignored the African Court on Human and Peoples' Rights (AfCHPR) call for these amendments' repeal before the presidential election.

Municipal elections were held in 2020, ignoring an AfCHPR order to suspend them and ensure opposition participation. Sébastien Ajavon, a businessman living in exile after receiving a drug trafficking conviction in 2018, had sued after opposition parties were barred from participating. The Progressive Union and the Republican Bloc won most local council seats, while the Cowry Forces for an Emerging Benin (FCBE), the only opposition group to field candidates, won 14 percent of them. In March 2021, despite Benin's 2020 decision to withdraw from its protocol, the AfCHPR ruled in Ajavon's case that Benin had violated its human rights obligations.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are conducted by the Autonomous National Electoral Commission (CENA). Following the passage of a restrictive electoral law in 2018, the Constitutional Court—headed by Talon's former personal lawyer—ruled that parties must obtain a "certificate of conformity" from the Interior Ministry. In 2019, CENA approved only two party lists, both loyal to the president, for the legislative election. Despite electoral and constitutional reforms approved that November, key rules barring opposition parties remained in force.

CENA barred most opposition groups from the 2020 local elections, again favoring progovernment parties.

Due to a 2019 amendment requiring presidential candidates to be endorsed by 10 percent of mayors and members of the National Assembly, the disqualifications of opposition parties in the 2019 and 2020 elections empowered members of Talon's party to disqualify all but two candidates for the 2021 presidential election.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

After multiparty elections were restored in 1991, Benin generally had a large number of active political parties. However, the 2018 electoral code established restrictive rules including an unusually high 10 percent national threshold and an onerous increase in obligatory financial deposits. Costs for presidential candidates were reduced in November 2019, but other requirements were introduced, including the need for endorsements and a vice presidential candidate.

All opposition parties were excluded from the 2019 parliamentary contest, though the FCBE gained legal recognition after the election and fielded candidates in the 2020 local elections.

In the 2021 presidential election, the FCBE was able to put forward its candidate Alasane Soumanou. A second opposition party, the Democrats, formed after a split within the FCBE, won recognition in December 2020, but its candidate for president Reckya Madougou was arrested before the election. A candidate for another party was shot shortly after filing his paperwork. The leader of a disqualified front of opposition parties, law professor Joël Aïvo, was arrested shortly after the polls.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Talon's defeat of Lionel Zinsou, former president Thomas Boni Yayi's chosen successor in the 2016 election, marked Benin's fourth presidential transfer of power between rival groups since 1991.

However, Talon's government has since introduced significant obstacles to opposition parties and presidential candidates, including the endorsement rule introduced in 2019, and leading opposition figures have faced harassment and prosecution. In 2019, Boni Yayi fled Benin after release from *de facto* house arrest, and Zinsou received a prison sentence in absentia and a five-year ban on running for office over alleged 2016 campaign violations. Ajavon and former minister Komi Koutché have also been sentenced in absentia to extensive sentences. Madougou and Aïvo were disqualified from the 2021 presidential ballot and were arrested just before and after the election. In December 2021, they were sentenced to 20 and 10 years in prison, respectively.

Under the 2019 constitutional amendments, no president can serve more than two terms in their life, even if they are nonconsecutive; some alleged this provision was aimed at Boni Yayi.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Politics have generally been free from military interference. The role of personal wealth in politics has increased in recent years, with higher campaign costs and clientelist structures boosting the careers of wealthier politicians. Talon developed his private businesses in part by financing the campaigns of Boni Yayi and other elites and then securing lucrative contracts. After becoming president, Talon allegedly attempted to bribe lawmakers while working to secure passage of constitutional amendments.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and minority groups are not legally excluded from political participation, but cultural factors limit women's engagement. Women won just 7 percent of the seats in the 2019 parliamentary elections. Constitutional amendments passed that November reserved 24 seats for women in the next legislative term. Benin's first vice president, Mariam Chabi Talata, is a woman.

Benin has historically been divided between northern and southern ethnic groups, and political parties often rely on ethnic bases of support. Southern-born Talon selected most of his political appointees from the southern Gbe-speaking region. The 2019 election of a southerner as National Assembly president broke with a tradition where legislative leaders and chief executives come from different regions. Vice President Talata is from the north.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (-2)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (-1)

The president and the legislature generally determine government policy. However, the president and legislative representatives were not elected freely or fairly, and the lack of opposition members seriously undermines the legislature's role as an independent branch of government.

The government does not consistently implement policy throughout Benin. In many rural areas, the state struggles to deliver basic services, and citizens instead rely on local customary and religious leaders.

Score Change: The score declined from 2 to 1 because the exclusion of opposition candidates and other serious irregularities during the 2021 presidential election undermined the democratic legitimacy of the incumbent.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains widespread. Corrupt officials rarely face prosecution, contributing to a culture of impunity. In 2020, the National Anti-Corruption Authority (ANLC) was dissolved to be succeeded by the High Commission for the Prevention of Corruption (HCPC), which has the authority to refer corruption cases to court. The law establishing this office also removed aspects of public officials' asset declaration requirements.

The Court of Punishment of Economic Crimes and Terrorism (CRIET) was established in 2018 to prosecute corruption, drug trafficking, and terrorism cases, but critics claim it targets political opponents and journalists.

C3. Does the government operate with openness and transparency? 2 / 4 (-1)

The 2015 Information and Communication Code provides for public access to government records. However, information deemed sensitive, including national security, trade, and judicial documents, remains restricted.

As required as a West African Economic and Monetary Union member, Benin converted the Chamber of Accounts into a more independent Court of Auditors to examine government finances. The first president of the Court was appointed in April 2021. However, a new law passed in 2020 repealed asset declaration provisions for presidential candidates and government officials, and a June 2021 joint report by the Clingendael Institute and the Armed Conflict Location and Event Data Project (ACLED) indicates that the government is deliberately concealing increasingly violent communal conflicts in the north from the public.

Score Change: The score declined from 3 to 2 due to a lack of progress on asset-declaration compliance, and because the government has not transparently managed its response to security threats.

CIVIL LIBERTIES: 42/ 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 2 / 4

Constitutional guarantees of freedom of expression are somewhat respected, and print outlets have expressed a wide variety of viewpoints. However, media outlets have encountered new scrutiny and restrictions under the Talon administration.

Defamation remains a crime punishable by fines, and media outlets critical of the government have increasingly risked suspension. The High Authority for Audiovisual Media and Communication (HAAC) in July 2021 lifted the ban of *La Nouvelle Tribune*, a newspaper that had been closed down in 2018. Major television broadcasters have also been shuttered by the HAAC and remain so, despite court orders reversing those actions. In 2020, the HAAC banned all “unauthorized” online news outlets, suspending three outlets temporarily; others ignored the order.

A 2017 digital media law allows for the prosecution and imprisonment of journalists for online content that is allegedly false or harasses individuals. In 2021, at least five journalists were arrested under this law.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no major restrictions on personal expression, and individuals generally are not subject to surveillance or reprisals when discussing political or other sensitive matters.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12 (-1)

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly has traditionally been respected; permit and registration requirements for demonstrations are not always enforced. Security forces violently dispersed opposition protests before the election in 2021 by firing tear gas and live ammunition into the air, resulting in at least two deaths. In 2020, protesters were killed by police in multiple incidents.

Authorities have prevented political opponents from organizing meetings and rallies using restrictions established in 2020 to control the spread of COVID-19. Gatherings of more than 50 people remain banned.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4 (-1)

Nongovernmental organizations (NGOs), including human rights groups, generally operate freely, but individual activists have been arrested in increasing numbers. According to reports from Amnesty International, over 12 political figures and activists were arrested

leading up to the 2021 presidential election. After the April poll, human rights organizations claimed there had been a wave of ongoing arrests of activists and opposition figures by the authorities, with reports ranging from 36 to 150 people detained.

Beninese NGOs can no longer bring cases to the AfCHPR, after Benin withdrew from a relevant protocol in 2020.

Score Change: The score declined from 4 to 3 because civil society activists were subjected to mass arrests during the election period.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers, except certain civil servants and public employees, have the right to form and join unions, and to bargain collectively, with some restrictions. Public employees in the defense, health, justice, and security sectors are barred from striking; workers in other sectors may strike for a maximum of 10 days per year.

F. RULE OF LAW: 10 / 16 (-1)

F1. Is there an independent judiciary? 2 / 4

Although the judiciary has demonstrated some independence, the courts are susceptible to corruption. Judges are not nominated or promoted transparently.

Judicial independence was undermined when President Talon's personal lawyer, Joseph Djogbénou, was named Constitutional Court president in 2018. The court's quick decision to reverse an earlier ruling on public sector strikes intensified concerns about its autonomy, as did a 2019 decision requiring parties to obtain conformity certificates to compete in that year's parliamentary elections.

Critics argue CRIET also lacks independence. Judges were appointed by decree in 2018, in lieu of a transparent confirmation process. A CRIET judge resigned and fled the country in April 2021, complaining that the court is used to prosecute Talon's political opponents.

F2. Does due process prevail in civil and criminal matters? 2 / 4 (-1)

Due process usually prevails in criminal and civil matters. However, judicial inefficiency, corruption, and a shortage of attorneys in the north inhibit the right to a fair trial. Lack of resources contributes to often lengthy pretrial detentions. Arbitrary arrests and detentions occasionally occur, sometimes with extreme sentencing, particularly in the CRIET.

During the 2021 presidential election period, reports suggest that large numbers of opposition leaders and activists were arrested by the authorities. Reckya Madougou—a well-known prodemocracy campaigner, former justice minister, and presidential candidate—was arrested and detained in March on spurious terrorism charges for allegedly planning a series of assassination attempts. She was detained for nine months, reportedly in inhumane conditions. In December, Madougou was convicted, despite the prosecutor's lack of evidence or witnesses, and sentenced to 20 years in prison. Amnesty International documented at least 12 politically motivated arrests from the start of the year through April.

Score Change: The score declined from 3 to 2 due to reports that large numbers of people, including opposition leaders, activists, and security personnel, were arbitrarily arrested during the election period.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is free from war and other major physical threats, though the threat of terrorism may be growing in the north. In December 2021, two soldiers were killed by

presumed jihadists in the north, and there has been a rise in violent, sometimes lethal, incidents between herders and farmers in the north.

Prison conditions are harsh. Prisoners face overcrowding, lack of access to food and water, and occasional physical abuse. Police brutality remains a problem, including beatings and torture of suspects. Superiors often shield perpetrators from prosecution.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Relations among Benin's ethnic groups are generally amicable, despite recent political tensions. Minority ethnic groups have typically been represented in government agencies, the civil service, and the armed forces. The constitution prohibits discrimination based on race, gender, and disability, but not sexual orientation. The 1996 penal code imposes a higher age of consent for same-sex sexual activity (21) than for heterosexual activity (13). LGBT+ people face social stigma and discrimination in practice.

Women experience discrimination in employment and access to credit, health care, and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Individuals can generally move freely throughout Benin. However, in some rural areas, cultural traditions force women to remain indoors for extended periods. Public transport was suspended in 2020 due to COVID-19-related restrictions, but resumed later in the year, while some movement restrictions persisted.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Reforms to the business registration process, anticorruption efforts, and other regulatory changes since 2010 improved the business environment. However, property registration is difficult, and contract enforcement is inconsistent. Despite laws guaranteeing equal rights to inheritance for women, many women are denied the right to inherit property in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a serious problem, and women are often reluctant to report domestic abuse. A 2003 law that prohibits female genital mutilation (FGM) was somewhat effective in reducing its occurrence, though the challenge persists. Marriage for those under 18 years old is prohibited, though exceptions are allowed for 14- to 17-year-olds with parental consent. Child marriage and forced marriage remain common in rural areas.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against forced labor and other exploitative working conditions are unevenly enforced. Poor conditions are prevalent in the large informal sector, which was impacted by the COVID-19 pandemic. Human trafficking is widespread, despite increased prosecutions for the crime. The practice of sending young girls to wealthy families to work as domestic servants has led to cases of exploitation and sexual slavery. Children are also exploited for agricultural labor and work in various trades.

Bhutan

Population: 800,000

Capital: Thimphu

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Bhutan is ruled by a constitutional monarchy that has made significant strides toward democratic consolidation and the rule of law in recent years. It has held multiple credible elections and undergone transfers of power to opposition parties. Ongoing problems include discrimination against Nepali-speaking and non-Buddhist minorities, media self-censorship, and the use of libel and defamation cases to silence journalists.

KEY DEVELOPMENTS IN 2021

- The Bhutanese response to the COVID-19 pandemic remained effective during the year. By July, 90 percent of eligible adults received vaccinations. A nationwide lockdown imposed in December 2020 remained in effect into January, though that lockdown remained in effect in the capital of Thimphu until February.
- In February, King Jigme Khesar Namgyel Wangchuck gave royal assent to a penal-code amendment that decriminalized same-sex activity. Parliament had voted in favor of the change in December 2020.

POLITICAL RIGHTS: 29 / 40 (-1)

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The monarch is head of state, appoints a number of high officials, and retains a waning degree of influence over ministerial positions. King Jigme Khesar Namgyel Wangchuck formally succeeded his father in 2008.

The monarch nominates the leader of the majority party in the elected National Assembly to serve as prime minister. Lotay Tshering of the United Party of Bhutan (DNT) was appointed prime minister in November 2018 after that party won a lower-house majority.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution provides for a bicameral Parliament, with a 25-seat upper house, the National Council, and a 47-seat lower house, the National Assembly. Members of both houses serve five-year terms. The king appoints five members of the nonpartisan National Council, and the remaining 20 are popularly elected as independents. The National Assembly is entirely elected.

The April 2018 National Council election saw record turnout; some observers ascribed the higher turnout to reforms designed to encourage voting and make casting ballots easier for residents, such as a new postal voting system. The National Assembly election was held in two rounds in September and October 2018. The two parties that won the most support in the first round advanced to the second. The DNT, which launched in 2013, won 30 seats. The Bhutan Peace and Prosperity Party (DPT) won 17. The then ruling People's Democratic Party did not advance to the runoff.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Elections are administered by the Election Commission of Bhutan (ECB). The ECB is thought to act impartially, although some of its regulations regarding which parties can compete in elections are controversial.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Citizens must receive government approval to form political parties. Obtaining approval is sometimes difficult and the government has been known to deny it in the past.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The opposition has a realistic chance to win elections, and there is now regular turnover in control of government. In 2018, the DNT won control of Parliament for the first time, and another opposition party, the DPT, finished second, despite having won no seats in 2013.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

India still has influence over the choices of Bhutanese voters and politicians. The Chinese government does not have an official diplomatic relationship with Thimphu but has courted Bhutanese leaders in recent years and has worked to gain control of Bhutanese territory. Chinese forces have constructed villages, military outposts, and infrastructure within Bhutan since 2015 and continued to do so in 2021.

The royal family retains influence, although it has significantly retreated in recent years, refraining from interference with policymaking. Neither the king nor politicians attempted to use the COVID-19 pandemic to consolidate political power.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Electoral rules stipulate that political parties must not be limited to members of any regional, ethnic, or religious group. Citizenship rules are strict, and many Nepali-speaking people have not attained citizenship, effectively disenfranchising them. International election monitors have noted that Nepali speakers have been turned away from voting.

Women are underrepresented in public office; traditional customs inhibit women's political participation, though electoral reforms introduced for the 2018 elections improved female turnout. Programs meant to improve women's political engagement have been supported by the government. Female representation in the National Assembly improved from 8.5 percent before the October and November 2018 elections to 14.9 percent immediately after. Women held 17.4 percent of the lower house as of December 2021.

C. FUNCTIONING OF GOVERNMENT: 8 / 12 (-1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (-1)**

Bhutan has made a successful transition from a system in which the monarch dominated governance to one in which policies and legislation are mostly determined by elected officials.

Beijing has widened its effective influence over policymaking in part of Bhutan in recent years. Chinese forces have constructed villages, military outposts, and infrastructure in what is considered Bhutanese territory since 2015, effectively obstructing Thimphu's authority in affected areas.

The Indian government maintains significant influence on Bhutanese policymaking, in part by supplying considerable foreign aid. Thimphu's foreign policy is influenced by a bilateral treaty first signed in 1947.

Score Change: The score declined from 3 to 2 due to the growing presence of Chinese military and other personnel that have effectively occupied Bhutanese territory and obstructed the authority of the elected government.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The government generally enforces anticorruption laws effectively. The 2006 Anti-Corruption Act established whistleblower protections. The Anti-Corruption Commission (ACC) is tasked with investigating and preventing graft and has successfully prosecuted several high-profile cases.

Nepotism in public procurement and government employment remain problematic.

C3. Does the government operate with openness and transparency? 3 / 4

The government has strengthened transparency by making the salaries of officials public and making the central and local budgets more open to review. A right to information law passed by the National Assembly in 2014 was designed to put the onus on agencies to release information. However, the National Council still has not approved the bill.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

The government has for decades attempted to repress the rights of ethnic Nepalis, forcing many of them to leave Bhutan. The government expelled a large percentage of Nepali speakers in the early 1990s; in 1992, well over 100,000 refugees living in Nepal were denied reentry to Bhutan. A resettlement effort aimed at transferring the refugees to other countries began in 2007, resulting in the resettlement of the majority of refugees. However, 7,000 refugees remain in Nepal, some of whom continue to seek repatriation to Bhutan.

CIVIL LIBERTIES: 32 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

While there are multiple private media outlets, many depend on advertising from state bodies, and the media environment remains subject to a high degree of self-censorship. Powerful individuals can use defamation laws to retaliate against critics.

The Bhutan Information Communications and Media Act 2018 mandated the establishment of an independent Media Council, which became operational in 2019, to monitor the media for harmful content. Press freedom advocates fear the body will erode press freedom and prompt further self-censorship.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution protects freedom of religion, but local authorities are known to harass non-Buddhists. While Bhutanese of all faiths can worship freely in private, some experience pressure to participate in Buddhist ceremonies and practices.

Christian churches have often been unable to obtain registration from the government, which places constraints on their activities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Few restrictions on academic freedom have been reported. However, Bhutanese university students are often hesitant to speak out on controversial political issues, including issues related to the monarchy, India, and China, and practice self-censorship.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is constitutionally guaranteed and generally respected. However, under the National Security Act, speech that creates or attempts to create “hatred and disaffection among the people” or “misunderstanding or hostility between the government and people,” among other offenses, can be punished with imprisonment. The broad language of the law makes it vulnerable to misuse.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but this right is limited by government-imposed restrictions. Public gatherings require government permission, which is sometimes denied. Curfews and restrictions on the location of demonstrations also serve to curtail assembly rights.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) that work on issues related to ethnic Nepalis are not allowed to operate, but other local and international NGOs work with increasing freedom on a wide range of issues. Under the 2007 Civil Society Organization Act, all new NGOs must register with the government. Registration is granted to NGOs that are determined by the government to be “not harmful to the peace and unity of the country.”

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The constitution nominally guarantees the right of workers to form unions, but the right to strike is not legally protected. Workers may bargain collectively, and antiunion discrimination is prohibited.

F. RULE OF LAW: 9 / 16 (+1)

F1. Is there an independent judiciary? 3 / 4

The independence of the judiciary is largely respected. Senior judges are appointed by the king on the recommendation of the National Judicial Commission. However, the rulings of judges often lack consistency, and many people view the judiciary as corrupt.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Although the right to a fair trial is largely guaranteed and arbitrary arrest is not a widespread problem, plaintiffs and defendants in civil disputes often represent themselves. Many

people who are unable to repay debts are held in detention, which is considered arbitrary under international law.

A number of political prisoners who were detained before Bhutan transitioned to its current democratic system remain imprisoned. In 2019, a campaign group that included members of the Bhutanese diaspora and resettled refugees petitioned for the prisoners' release, but they remained in jail throughout 2021.

Overall, however, the rule of law and due process has improved substantially in civil and criminal matters, and Bhutanese courts are relatively effective.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The civilian police force generally operates within the law, and incidents of excessive force are rare. In recent years, crime rates have generally been low. However, insurgents from the Indian state of Assam sometimes enter Bhutan and undermine security. Occasional instances of kidnapping and robbery occur along the border with India.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (+1)

The constitution protects against discrimination based on sex, race, disability, language, religion, or societal status. However, Nepali-speaking people reportedly face employment discrimination and other forms of bias.

LGBT+ people experience societal discrimination and social stigma. There are no specific legal protections for transgender people. In December 2020, both houses of Parliament completed a final vote to repeal criminal-code provisions that criminalized same-sex relations. The king gave his assent in February 2021.

Discrimination in employment and education persists for Bhutanese women.

Score Change: The score improved from 1 to 2 because legislation that decriminalized same-sex sexual activity took effect during the year.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Bhutanese citizens generally have the freedom to travel domestically and internationally. However, the government has established different categories of citizenship, which restricts foreign travel for some. These restrictions reportedly have the greatest effect on Nepali speakers. Bhutanese security forces sometimes arrest Nepali people seeking to enter the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals generally have rights to own property and establish businesses, but the process of registering property or a new business can be cumbersome and hinder business development. In recent years, the legal system has become more consistent, and establishing businesses has become easier. However, some ethnic Nepalis who lack a security clearance certificate face difficulties in starting a business.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Reports of domestic violence have increased in recent years, with an additional rise in 2021 attributed to a COVID-19 lockdown. Societal taboos lead many incidents of rape and domestic violence to go unreported. Child marriage still occurs with some frequency.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Female household workers, who often come from rural areas or India, are vulnerable to forced labor and other abuse, as are foreign workers in the construction and hydropower sectors. Child labor persists, mostly in the agriculture and construction sectors.

The US State Department's *Trafficking in Persons Report 2021* noted that the Bhutanese government finalized a trafficking prevention strategy and improved funding for shelters but did not meaningfully expand its overall antitrafficking efforts. No trafficking convictions were secured, nor were new cases initiated, during the State Department's reporting period.

Sex trafficking remains a problem; Bhutanese antitrafficking legislation does not criminalize all forms of this practice.

Bolivia

Population: 11,800,000

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

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Bolivia is a democracy where credible elections have been held regularly. While mass protests and violence erupted after the disputed 2019 elections, new general elections held in 2020 and subnational elections held in 2021 were credible and fair, and stakeholders accepted the results. Child labor and violence against women are persistent problems, independent and investigative journalists face harassment, and the judiciary is highly politicized and hampered by corruption.

KEY DEVELOPMENTS IN 2021

- Subnational elections held in March and April were competitive and credible, and polling took place peacefully. Although the Movement for Socialism (MAS) remained the largest party in the country, it lost mayoral races in the largest cities and most of the country's gubernatorial elections.
 - In March, former interim president Jeanine Áñez was detained on numerous charges, including terrorism and sedition; several members of her cabinet were also indicted. At year's end, Áñez had not received a trial date and was still being held in preventive detention.
 - The Interdisciplinary Group of Independent Experts (GIEI)—commissioned through an agreement between the Inter-American Commission on Human Rights (IACHR) and the Bolivian government to investigate human rights violations between September and December 2019—released its final report in August. The report found that numerous human rights violations were committed during the 2019 political unrest, including by both the Áñez administration and state security forces.
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POLITICAL RIGHTS: 27 / 40**A. ELECTORAL PROCESS: 10 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

Bolivia's president is both chief of state and head of government, and is directly elected to a five-year term. The presidential election in October 2020 took place after the results of the 2019 election was annulled. Early results of the October 2019 presidential election suggested that a runoff between incumbent Evo Morales of the Movement for Socialism (MAS) and the main opposition candidate, former president Carlos Mesa of the Comunidad Ciudadana (Citizen Community) party, was likely. Soon after, election officials released an updated vote count showing Morales with an outright victory, prompting mass demonstrations. An Organization of American States (OAS) electoral observation mission criticized the tally that showed Morales with an outright victory, saying it contradicted independent counts and that a runoff round should go forward—though the credibility of this criticism has since been disputed by some independent analysts.

In November 2019, as protests, counterprotests, and accompanying violence intensified in the weeks following the October poll, Morales, vice president Álvaro García Linera, and the heads of the Senate and the lower chamber resigned, after Morales lost the support of the military and police forces. Days later, Jeanine Áñez Chavez, a senior senator and the highest-ranking official in the line of succession who had not yet resigned, was endorsed by the Plurinational Constitutional Tribunal (TCP) to assume the presidency on an interim basis. Áñez indicated that she would only serve until a new election could be held, though in January 2020, she announced her candidacy for president in the next election. She eventually withdrew from the race in September 2020.

An agreement between the interim government and the parliament, mediated by the United Nations, the European Union (EU), and the Catholic Church, established a new election date and a new Supreme Electoral Tribunal (TSE), whose actions were widely considered independent and free from undue political influence. The election was supposed to be held in May 2020; however, it was postponed until October due to the COVID-19 pandemic. The results of the October 2020 poll showed a clear victory for MAS candidate Luis Arce, who won over 55 percent of the vote, precluding the need for a runoff. Former president Mesa won 28 percent of the vote. Voter turnout was recorded at 84 percent. Multiple independent observer missions deemed the poll credible and fair, and competing parties and civil society stakeholders accepted the results.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Plurinational Legislative Assembly (ALP) consists of a 130-member Chamber of Deputies and a 36-member Senate. Legislative terms are five years.

Due to allegations of irregularities in the 2019 general elections, the results of the vote for legislative representatives were considered invalid, and in November 2019, the ALP unanimously passed a law calling for new legislative elections to be held in October 2020. In those elections, the MAS won 75 of the 130 seats in the Chamber of Deputies and 21 seats in the Senate. The Citizen Community party secured 39 seats in the lower house and 11 seats in the upper house, and the new We Believe (Creemos) alliance won 16 and 4 seats in the Chamber of Deputies and the Senate, respectively.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The final report of the OAS on the 2019 elections claimed that the elections' overall results were not verifiable, due to "willful manipulation" abetted by a biased TSE. However, in 2020 the methodology and credibility of the OAS report was disputed by a wide range of independent analysts. After Morales's resignation in November 2019, the parliament agreed on a transparent formula to reconstitute an independent TSE in December of that year.

In the 2020 elections, the TSE's actions were widely considered independent and free from undue political influence. Though the day of the vote was postponed twice due to the coronavirus pandemic, the body nevertheless administered a safe vote with high turnout.

For years, Bolivian politics were characterized by MAS efforts to abolish presidential term limits. In 2017, MAS lawmakers overturned the articles in the constitution setting presidential term limits by consulting the TCP, a body the lawmakers themselves had appointed, despite voters rejecting this measure by referendum in 2016. In June 2021, the IACHR found that—despite TCP claims that presidential term limitations infringe upon the political rights of former presidents seeking reelection and of their supporters—such term limitations do not violate rights protected by the American Convention on Human Rights.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Citizens have the right to organize political parties. MAS has dominated politics since Morales's election to the presidency in 2005, drawing support from social movements, trade unions, and civil society actors. Morales's maneuvers to achieve a reelection bid were a core issue in the rancorous 2019 campaign period. The most prominent opposition party, Citizen Community, attracted individuals who opposed his persistent efforts to extend his term.

In January 2020, Luis Fernando Camacho—the regional leader from Santa Cruz who led the mass protests against Morales in 2019—founded the Creemos alliance. Creemos quickly became the leading party in Santa Cruz, Bolivia's richest region.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

There are no formal institutional barriers that prevent opposition parties from participating in elections. Between 2005 and 2019, however, the overwhelming dominance of the MAS, aided by its use of public resources to back its campaigns, made it difficult for opposition parties to gain power through elections. MAS candidates achieved sweeping victories in the local elections held in March 2021, but lost the mayoral races in Bolivia's largest cities, and in most gubernatorial races.

In the 2019 presidential election, the OAS observer mission claimed that the results of the vote were manipulated by the TSE in order to prevent a runoff between Morales and Mesa, the second-place candidate. However, in 2020, independent researchers found that methodological errors significantly affected the OAS's results; when the errors were corrected, the researchers found no evidence of electoral fraud. Elections held in 2020 were generally considered to be free and fair.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

People are generally free to make political decisions without undue influence from the military, foreign powers, or other influential groups. Although several violent confrontations occurred between supporters of competing parties in the run-up to the 2020 election, leaders

of all parties called for their supporters to allow everyone to campaign freely and peacefully in each region. The interventions, protests, roadblocks, and violence that preceded and followed the 2019 elections were not as severe in 2020 and were mostly absent in 2021. However, tensions remained high throughout the year, leading to concern about potential confrontation between MAS supporters and supporters of the regionalist movement led by Camacho during political demonstrations in Santa Cruz.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Adult citizens enjoy universal and equal suffrage.

The constitution recognizes 36 Indigenous nationalities within a plurinational state, and formalizes political autonomy in Indigenous territories. Indigenous groups are well represented in government, and seven seats are reserved for Indigenous peoples in the Chamber of Deputies. However, the interests of Indigenous groups are often overlooked by politicians.

Formally, Bolivia has progressive legislation that guarantees equal political representation for women and seeks to protect them from political violence. While women are well represented in politics, holding 46 percent of seats in the Chamber of Deputies and nearly 56 percent of those in the Senate, sexism and patriarchal attitudes undermine their work, particularly at local levels.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials are free to set and implement government policy without undue interference from nonstate actors. However, opposition members charge that the MAS majority in the legislature has opened the space for strong executive influence on legislative processes, closing the possibility of debating policy at the legislative level.

Historically, powerful social movements have been able to exert pressure on the ALP to prevent the adoption of policies seen as detrimental to their interests. In September and October 2021, numerous civic movements and economic interest groups mobilized to protest against a bill the ALP had passed in August to “fight the legitimization of illicit profits.” The bill was repealed in November, and MAS lawmakers claimed that the leaders of the civic committees had used violence and misinformation to interfere with the MAS majority government and achieve their own political goals.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Anticorruption laws are poorly enforced, and corruption affects a range of government entities and economic sectors, including law enforcement bodies and extractive industries. Public procurement processes are frequently compromised by bribery.

C3. Does the government operate with openness and transparency? 2 / 4

Bolivia has no law guaranteeing access to public information. Elected officials by law must make asset declarations, but these are unavailable to the public.

CIVIL LIBERTIES: 39 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 2 / 4

While the constitution guarantees freedom of expression, in practice, journalists encounter harassment in connection with critical or investigative reporting. Media outlets

critical of the government faced harassment from administration officials during the Morales and Áñez presidencies. Similar harassment continued in 2021 under the Arce administration, which has characterized journalists as liars and independent media outlets as political actors.

Bolivia's National Press Association (ANP) documented numerous cases of violence against journalists in 2021. In October, several journalists were assaulted and briefly held captive by a group of armed men while reporting on a land dispute in Santa Cruz; the attack led several international press organizations to call on the Bolivian government to establish security mechanisms to protect members of the media.

In August, the ALP passed a draft law on illicit proceeds that contained an article that press freedom organizations feared would jeopardize existing confidentiality protections legally guaranteed for journalistic sources. The law was vetoed in November.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed by the constitution and generally upheld in practice. The 2009 constitution ended the Roman Catholic Church's official status, and created a secular state.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is legally guaranteed and upheld in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is robust and generally free from interference or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

Bolivian law protects the right to peaceful assembly. However, many past protests have been marred by clashes between demonstrators and police, as well as physical confrontations between protesters and counterprotesters around divisive issues.

Widespread protests during the 2019 elections were characterized by high levels of violence among protesters, counterprotesters, and security forces. A report issued in August 2021 by the GIEI, commissioned through an agreement between the IACHR and the Bolivian government, found that during the protests that led to Morales's resignation, his administration facilitated the transport of its supporters and provided them with materials and weapons to use against the opposition, causing grave human rights violations.

Additional security forces were deployed by the interim government after Morales's resignation to disperse protesting Morales sympathizers, who at times also fought with opposition supporters. The use of force by authorities during the 2019 postelectoral unrest resulted in hundreds of injuries and the deaths of at least 30 people. The IACHR and the UN High Commissioner for Human Rights (OHCHR) reported that police had committed serious human rights violations.

In August and September 2021, Indigenous activists from the lowlands marched to Santa Cruz to protest against MAS policies of land distribution affecting Indigenous territory, and to present a list of related demands to the government; the protesters' demands were not met before they left Santa Cruz at the end of the year. Though several protests occurred in 2020 and 2021, including antigovernment demonstrations, they were not marred by the high levels of violence seen in previous years.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Many nongovernmental organizations (NGOs) operate but are subject to some legal restrictions. In 2016, the TCP dismissed a petition arguing that two statutes in the country's NGO laws gave the government license to dissolve NGOs. Government officials from all political affiliations have at times smeared rights groups as antigovernment conspirators.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Labor and peasant unions are an active force wielding significant political influence.

The country's official labor code is inconsistent with Bolivian law; for example, it prohibits public sector unions, yet many public sector workers are able to legally unionize. A National Labor Court hears cases of antiunion discrimination, but tends to hand down verdicts slowly, and penalties for antiunion discrimination are not consistently applied.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

Bolivia stands as the sole country that appoints justices via popular elections. However, judges on the Supreme Court, the TCP, and other entities are first nominated through a two-thirds vote in the legislature. For years, this allowed MAS to dominate the candidate selection process, producing a lenient judiciary. The popular election of judges has politicized and factionalized appointments, creating further opportunities for corruption. In addition to its politicization, the judiciary remains overburdened and beset by corruption.

The use of the judiciary to prosecute opposition leaders was a common practice during the Morales administration and continued under interim president Áñez's government, which pressured prosecutors to pursue criminal cases against hundreds of individuals associated with the Morales administration. An arrest warrant for Morales, issued in December 2019, was annulled following the MAS victory in the October 2020 elections. In October 2020, the outgoing legislature approved the indictment of 11 ministers from the interim government, and recommended that interim president Áñez be prosecuted for her role in worsening the election-related violence in 2019. Áñez was arrested on multiple charges in March 2021, including conspiracy, sedition, and terrorism; she remained in prison at year's end. The Arce administration has also accused several opposition leaders elected in the March 2021 local elections, including Camacho, of terrorism, conspiracy, and sedition.

The August 2021 GIEI report on the 2019 political crisis found that a lack of independence, transparency, and objectivity in the exercise of criminal prosecutions—often used against political opponents—constitutes a structural and endemic problem of the Bolivian judiciary.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Many people have difficulty accessing the justice system because they lack resources to travel to courts and other relevant offices, and also because services, where provided, are often insufficient and inefficient. In criminal matters, people accused of committing crimes can go years before they have a formal trial; interim president Áñez, who was arrested in March 2021, remained in preventive detention and had not received a trial date at year's end. Police are poorly paid and receive inadequate training, and corruption within the police force remains a problem.

In February 2021, the ALP approved a presidential decree issuing an amnesty for those prosecuted by the Áñez government for crimes related to the 2019 political unrest. Human

rights groups have criticized the amnesty, claiming that it “appears designed to favor” MAS supporters and will lead to impunity for serious crimes committed during the 2019 crisis.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Morales supporters and opponents fought violently in several cities following the 2019 elections and Morales’s resignation. Both sympathizers and detractors of Morales had access to explosives, including dynamite, homemade rocket launchers, and Molotov cocktails, and used them against each other and the security forces. Morales opponents were reportedly shot at by unidentified persons in the localities of Montero and Vila Vila. The houses of journalists and activists who had been critical of Morales were burnt, as were a number of public buses in La Paz. After the installation of the interim government, the houses of MAS supporters and former officials were also burnt. Though the country remains polarized, a political dialogue backed by the EU, the UN, and the Episcopal Conference, among others, allowed the violence to decrease before reaching the point of civil war or insurgency.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The 2010 antiracism law contains measures to combat discrimination and impose criminal penalties for discriminatory acts. However, racism and associated discrimination is common in the country, especially against Indigenous groups.

Bolivia has laws in place that prohibit discrimination against LGBT+ people. However, these laws are rarely enforced, and LGBT+ people experience widespread societal discrimination. Chi Hyun Chung, a Presbyterian minister who ran for president in 2019 and 2020, included an anti-LGBT+ rights agenda as part of his platform; he came in third in 2019 but lost most of his support in 2020.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

There are no formal limits on people’s ability to change their place of residence, employment, or education, but choices can be limited by socioeconomic difficulties. Roads are occasionally blockaded as part of protest actions, impeding free movement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Women enjoy the same formal rights to property ownership as men, but discrimination is common, leading to disparities in property ownership and access to resources.

The rights of Indigenous people to prior consultation in cases of natural resource extraction and land development are not fully upheld by law or in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The constitution reserves marriage as a bond between a man and a woman, and makes no provision for same-sex civil unions. However, in July 2020, the Second Constitutional Chamber of the La Paz Department Tribunal overturned a decision of the civil registry office denying a same-sex couple registration of their civil union, which was later officially approved.

Gender-based violence is a serious problem, and laws criminalizing violence against women are not well enforced. More than 100 femicides took place in Bolivia in 2021. In August, the GIEI reported that numerous cases of sexual and gender-based violence had occurred during the 2019 political crisis, and recommended that the government make the investigation of such crimes a priority. Many women lack access to birth control and reproductive health care.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Bolivia is a source country for the trafficking of men, women, and children for forced labor and prostitution, and the country faced international criticism over permissive legislation regarding child labor in 2018, when the country changed the minimum working age to 14 years old.

Bosnia and Herzegovina

Population: 3,500,000

Capital: Sarajevo

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Bosnia and Herzegovina (BiH) is a highly decentralized parliamentary republic whose complex constitutional regime is embedded in the Dayton Peace Agreement, which ended the 1992–95 Bosnian War. Political affairs are characterized by severe partisan gridlock among nationalist leaders from the country's Bosniak, Serb, and Croat communities. Political participation by citizens from other communities is extremely limited. Corruption remains a serious problem in the government and elsewhere in society.

KEY DEVELOPMENTS IN 2021

- In July, High Representative Valentin Inzko imposed a law prohibiting genocide denial related to the 1995 Srebrenica genocide in particular, but also denial of crimes against humanity and war crimes more broadly. The law was welcomed by some political actors and by genocide awareness activists, but it drew strong opposition from Serb nationalist leaders in the Republika Srpska (RS) entity.
- In October, Serb nationalist leader Milorad Dodik announced that the RS would withdraw from BiH's military, its top judiciary body, and its tax administration, prompting renewed fears of a secession crisis.
- US-led talks on the adoption of a new elections law collapsed in December, after less than four months. The initiative aimed to address court rulings against ethnic representation provisions in the 1995 constitution that exclude some segments of the population from certain offices, including the presidency.

POLITICAL RIGHTS: 19 / 40

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The 1995 Dayton Accords that ended the war in BiH reorganized the state as a combination of two autonomous entities—the Federation of BiH, whose residents are mainly

Bosniak and Croat, and the Serb-dominated Republika Srpska (RS)—that operate under a weak central government. The position of head of state is held by a three-member presidency comprising one Bosniak, one Serb, and one Croat; they are each elected to a four-year term, which they serve concurrently.

The chair of the Council of Ministers, or prime minister, is nominated by the presidency and approved by the House of Representatives. The chair in turn nominates other ministers for approval by the House.

BiH's most recent general elections, in October 2018, were again dominated by the country's three entrenched nationalist blocs: the Bosniak nationalist Party of Democratic Action (SDA), the Croat nationalist Croatian Democratic Union (HDZ BiH), and the Serb nationalist Alliance of Independent Social Democrats (SNSD). Milorad Dodik of the SNSD, the longtime president of the RS entity, won the Serb seat in BiH's state presidency, and Šefik Džaferović of the SDA won the Bosniak seat. However, Željko Komšić of the center-left Democratic Front party decisively defeated the HDZ-BiH incumbent for the Croat seat of the presidency. International observers raised concerns about the integrity of the elections, including about a high number of ballots disqualified by the Central Electoral Commission (CIK).

The resulting government, formed in December 2019 after lengthy negotiations, was headed by Zoran Tegeltija of the SNSD. At the end of 2021, over three years after the elections, the Federation entity had yet to form its new government. The next general elections were scheduled for October 2022.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The Parliamentary Assembly, a state-level body, has two chambers. The 15-seat upper house, the House of Peoples, consists of five members from each of the three main ethnic groups, elected by the Federation and RS legislatures for four-year terms. The lower house, the House of Representatives, has 42 popularly elected members serving four-year terms, with 28 seats assigned to representatives from the Federation and 14 to representatives from the RS.

While the SDA, HDZ BiH, and SNSD dominated the 2018 general elections, they faced significant competition from other parties, particularly the Social Democratic Party (SDP). Election monitors noted significant irregularities and a decline in overall quality as compared with prior polls. Turnout was down slightly, at about 53 percent.

In the 2020 municipal elections, opposition parties won breakthrough victories in Sarajevo, Banja Luka, and Tomislavgrad, among several other municipalities. In Mostar's special election, the HDZ- and SDA-backed lists came in first and second, respectively. However, the opposition BH Bloc, composed of the SDP and Naša Stranka (Our Party), also secured 6 seats in the 35-seat city assembly. The HDZ BiH took the mayoralty after the SDA-led and SDP–Our Party lists were unable to commit to a joint candidate. Mostar's municipal elections ended a 12-year period in which local polls were not held due to an unresolved legal dispute over the allocation of city council seats between Croats and Bosniaks.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The CIK administers elections with the help of municipal election commissions. Both are subject to significant political party interference. The CIK is a largely ineffectual body, unable to act decisively without political support.

Conflicts over fair ethnic representation surround aspects of the constitution and electoral laws. For example, BiH citizens who do not identify as members of the country's Bosniak, Serb, or Croat "constitutive peoples" remain barred from the presidency and membership in the House of Peoples, despite 2009 and 2016 rulings by the European Court of Human Rights that the exclusion of members of other ethnic groups violated the European Convention on Human Rights.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties typically organize and operate freely, though the political arena in the Federation is generally limited to Bosniaks and Croats, while Serbs control politics in the RS. Coalitions at all levels of government shift frequently, but incumbent parties have maintained their positions with the help of vast patronage networks, making it difficult for smaller reform-oriented groupings to achieve meaningful gains.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

While there are no explicit legal barriers preventing opposition parties from entering government, expansive veto powers granted to the constitutive peoples and their representatives have helped the dominant nationalist parties to manipulate the system and shut out reformist or multiethnic challengers. However, in the 2020 municipal elections, opposition parties made breakthroughs in Sarajevo, Banja Luka, Tomislavgrad, and several other locales, as well as in Mostar's special election.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

In addition to domestic problems like the politicization of public resources and the influence of corrupt patronage networks, certain foreign powers wield outsized influence in the Bosnian political sphere. The governments of Serbia and Croatia exert leverage through their respective local allies, the SNSD and the HDZ BiH. The Russian and Turkish governments have also offered support to preferred parties and candidates.

The Office of the High Representative (OHR), which was created by the Dayton Accords, operates under the auspices of the United Nations and has the authority to remove elected officials if they are deemed to be obstructing the peace process. In July 2021, the OHR made its first major intervention in Bosnian politics in nearly a decade with the imposition of a law that criminalized the denial and glorification of genocide. The law was welcomed by genocide survivors and genocide-awareness activists in BiH and around the world, but it prompted a significant backlash from Serb nationalists in the country.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Political rights in BiH are in large part contingent on one's ethnic background and place of residence. Jews and Roma are constitutionally barred from the presidency and from membership in the House of Peoples, despite the European Court of Human Rights rulings against those provisions. Serbs who live in the Federation and Croats and Bosniaks who live in the RS are also excluded from the presidency. Some Croats argue that their rights to representation are violated by electoral laws allowing non-Croats a significant voice

in the selection of the Croat member of the presidency and Croat members of the House of Peoples. Critics of the Croat nationalist HDZ BiH, however, counter that the party has manipulated the discourse surrounding this issue to obstruct civic and liberal reforms of the country's constitutional order.

Women are underrepresented in politics and government. As a result, debates pertaining to maternal health and domestic violence are rarely at the center of parliamentary discussion, although they are openly, if infrequently, discussed in the media. LGBT+ people are marginalized in formal political life, but LGBT+ rights groups are active in the civic sphere.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Government formation and policy implementation are seriously impeded by the country's complex system of ethnic representation. Under the Dayton Accords, representatives from each of the three major ethnic groups, at both the state and entity levels, may exercise a veto on legislation deemed harmful to their interests. The state government is also undercut by movements within each of BiH's entities for greater autonomy.

Dodik, who serves as the Serb member of the state-level presidency and holds significant influence in the RS, continues to speak openly of his desire for the RS to secede from BiH. In October 2021, he announced the RS's withdrawal from various federal institutions, notably including the military, prompting fears of a secession crisis. The move came largely in response to the OHR's law against genocide denial and was the latest in a series of escalating efforts to chip away at the functionality of the BiH state.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains widespread and systemic, and legislation designed to combat the problem is poorly enforced. When corruption probes are actually opened, they rarely result in convictions.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations remain largely inaccessible to the public. Procurement awards are often made in secret, and public institutions frequently fail to comply with freedom of information laws. Candidates for major offices are obliged to make financial disclosures, but the relevant laws are weak, and the resulting disclosures are widely considered unreliable. Debate and decisions on matters of public interest, including legislation and subjects pertaining to European Union (EU) accession, routinely occur during interparty negotiations that take place behind closed doors, outside of government institutions.

CIVIL LIBERTIES: 34 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

Freedom of expression is legally guaranteed but limited in practice. Journalists face political pressure as well as harassment, threats, and occasional assaults in the course of their work. There is a large private media sector, including outlets that are affiliated with local political parties and those that belong to major international news networks. Public broadcasters in both entities, and at the canton level, often operate as partisan platforms; this is especially pronounced with the entity broadcaster in the RS, Radio-Television Republika Srpska (RTRS), whose coverage serves the interests of the SNSD.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is not subject to formal restrictions, but in practice religious communities face some discrimination in areas where they constitute a minority. Acts of vandalism against religious sites continue to be reported.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The education system is racked by corruption and clientelism, and the curriculum is politicized at all levels of education. At some schools in the Federation, Bosniak and Croat students are still divided into separate classes along ethnic lines. Some Bosniak returnees in the RS have sent their children to temporary alternative schools to avoid curriculums they find discriminatory, and some Serb families have described discriminatory educational environments in the Federation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression for individuals is generally protected from overt government interference. However, peer pressure and the risk of an adverse public reaction remain significant curbs on the discussion of sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is generally respected in BiH, and peaceful protests are common. However, demonstrators sometimes encounter administrative obstacles or police violence, and organizers can become targets of police or political harassment.

For the third year in a row, Sarajevo hosted an LGBT+ pride parade that proceeded without incident. A counterdemonstration by conservative and religious groups was also permitted to take place, but police kept it away from the main parade route.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The nongovernmental organization (NGO) sector in BiH remains robust but is sometimes exposed to government pressure and interference, with conditions more difficult in the RS.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Labor unions operate freely in the whole of BiH, although workers often have limited bargaining power in practice. The right to strike is legally protected, but labor laws in the Federation pose significant barriers to the exercise of this right. Legal protections against antiunion action by employers are weakly enforced. The leading political blocs in the country exercise significant control over unions in their respective strongholds.

F. RULE OF LAW: 7 / 16**F1. Is there an independent judiciary? 1 / 4**

The judiciary is formally independent but weak in practice. Dozens of Constitutional Court decisions have been disregarded by political leaders, as has some jurisprudence from the European Court of Human Rights. Individual judges are also subject to political pressure, interference, and intimidation regarding the cases before them. The High

Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), which appoints judges, has been racked by scandal and is widely perceived as corrupt. The HJPC was among the state institutions from which the RS intended to withdraw, according to Dodik's October 2021 announcement.

The existence of four separate court systems—for BiH, the RS, the Federation, and the self-governing Brčko District—contributes to overall inefficiency.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Guarantees of due process are inconsistently upheld, with judges often failing to manage trials effectively and contributing to extensive delays. Access to adequate legal counsel can be contingent on one's financial standing. Police corruption is a problem and sometimes stems from links to organized crime. Public prosecutors are widely reputed to be corrupt and under political control.

The process of prosecuting war crimes in domestic courts has been slow, with political interference and courts' lack of resources and capacity exacerbating a large backlog of cases. Despite efforts to reinvigorate the process, impunity for war crimes including killings and sexual violence has persisted.

In September 2021, the HJPC removed the country's chief prosecutor, Gordana Tadić, from her post for negligence. She was accused of working to shield individuals presumed to be under the protection the HDZ BiH from prosecution.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Although overall violent crime rates are low, organized crime is a significant problem, and high-profile incidents in recent years have fueled public frustration with the police and judicial system. Members of vulnerable groups are subject to harassment by police, including migrants transiting through the country. Many prisons are overcrowded or feature other substandard conditions, and detainees face physical abuse by prison authorities. Active land mines dating to the 1990s continue to pose a threat to civilians in rural parts of the country.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Laws guaranteeing equal treatment are unevenly upheld. Discrimination against members of the Romany minority is widespread. People who returned to their homes after being displaced during the war face discrimination in employment and housing in regions where their ethnic group constitutes a minority; Bosniak returnees in the RS entity face notable discrimination and harassment. Bosniaks and Croats in the RS more generally experience difficulties in accessing social services. Women are legally entitled to full equality with men but encounter discrimination in the workplace in practice. Members of the LGBT+ community face discrimination, harassment, and occasional physical attacks, and authorities often fail to adequately investigate and prosecute crimes against LGBT+ people.

Tens of thousands of migrants, refugees, and asylum seekers have arrived in the country each year since 2018. While the vast majority travel on to other locations, thousands remain stranded in BiH, most of whom live in squalid camps that lack basic services or protection against the elements. Authorities in the RS have refused to allow any migrant centers, and the burden of care has been thrust almost entirely on a handful of municipalities in the country's northwest. Many migrants are exposed to routine violence by local authorities, as well as by Croatian border guards who have repeatedly been accused of illegal pushbacks into BiH.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The law protects freedom of movement, though there are minor barriers to the exercise of this right—for example, taxis will generally not take passengers across the border between the two entities. Bureaucratic hurdles make registering new domiciles a tedious and lengthy process. Land mines limit movement in some areas.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although the legal framework broadly supports property rights and private business activity, widespread corruption and patronage remain major barriers to free enterprise. Individuals who returned to their homes after being displaced by the 1992–95 war have faced attacks on their property. The European Commission has called for further progress on compensating people for property that cannot be returned.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual freedoms on personal status matters such as marriage and divorce are generally protected. Same-sex marriage is not recognized, though in 2020 the Federation government appointed a working group to consider ways to acknowledge such partnerships.

Domestic violence remains a serious concern despite some government efforts to combat it. Incidents of abuse are believed to be considerably underreported, and civic groups have found that law enforcement authorities are often reluctant to intervene or impose strong penalties.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against exploitative working conditions are poorly enforced. Patronage and clientelism continue to adversely affect hiring practices and contribute to de facto restrictions on economic opportunity.

The US State Department's annual *Trafficking in Persons Report* has found that both Bosnian and foreign adults and children are subject to trafficking for the purposes of sexual exploitation and forced labor in BiH, with Romany children particularly vulnerable to forced begging and forced marriages that amount to domestic servitude. The 2021 report noted improved resources for antitrafficking efforts, including identifying and prosecuting traffickers. However, it criticized the slow pace of reforms in the RS and the Brčko District.

Botswana

Population: 2,300,000

Capital: Gaborone

Freedom Status: Free

Electoral Democracy: Yes

Overview: While it is considered one of the most stable democracies in Africa, Botswana has been dominated by a single party since independence. Media freedom remains under

threat. The indigenous San people, as well as migrants, refugees, and LGBT+ people, face discrimination.

KEY DEVELOPMENTS IN 2021

- In August, the High Court acquitted former intelligence agent Welheminah “Butterfly” Maswabi of corruption charges after finding that she had been prosecuted based on fabricated evidence. The court also recommended that the government take action against implicated state officials.
- The controversial Emergency Powers Act (EPA), which was introduced in early 2020 to address the spread of COVID-19 and included provisions prohibiting strikes and the dissemination of false pandemic-related news, was lifted in September.

POLITICAL RIGHTS: 28 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is indirectly elected by the National Assembly for a five-year term and is eligible for reelection. The vice president is appointed by the president and confirmed by the National Assembly. The president holds significant power, including the authority to prolong or dismiss the National Assembly. In 2018, Vice President Mokgweetsi Masisi was named interim president when the term of predecessor Ian Khama expired. The Botswana Democratic Party (BDP) won a majority of parliamentary seats in the October 2019 elections. Masisi was sworn into office that November.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Parliament includes a unicameral, 65-seat National Assembly and an advisory House of Chiefs. Voters directly elect 57 National Assembly members to five-year terms, while 6 members are nominated by the president and approved by the National Assembly. The president and attorney general are ex officio members. The 34-member House of Chiefs is composed mostly of traditional leaders, representatives they elect, and representatives appointed by the president. It advises legislators on tribal issues, land matters, and the constitution.

The BDP won 38 National Assembly seats with 52.7 percent of the vote in the October 2019 elections, while the Umbrella for Democratic Change (UDC) won 15 seats and 35.9 percent, the Botswana Patriotic Front (BPF) won 3 seats and 4.4 percent, and the Alliance of Progressives (AP) won 1 seat and 5.1 percent.

Southern African Development Community (SADC) and African Union (AU) observers called the poll free and fair but criticized the lack of indelible ink and the use of translucent ballot boxes. The UDC claimed that voters were allowed to cast multiple ballots, and that voters and election officials were bribed. The UDC petitioned the High Court to throw the results out, but their case was dismissed in December 2019. The Court of Appeal agreed to hear the matter in January 2020, but dismissed it later that month, citing a lack of jurisdiction.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent Electoral Commission (IEC) administers elections and is generally considered independent and capable. However, the IEC was affected by budgetary

constraints and a staff shortage during the 2019 electoral period, impacting its voter-education and registration drives.

The Electoral Amendment Act of 2016 (EAA), which mandated electronic voting for the 2019 elections, caused controversy after its passage. The opposition Botswana Congress Party (BCP) claimed that electronic voting was susceptible to pro-BDP manipulation and threatened to boycott the 2019 polls. The government withdrew the electronic-voting mandate and other provisions of the EAA in 2018, and the BCP settled a lawsuit against the government in 2019.

In December 2021, President Masisi appointed a commission to review Botswana's constitution. The long-awaited constitutional review process could potentially address electoral reforms, which opposition groups say are necessary to ensure free and fair elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The right of political parties to form and operate is legally guaranteed and is respected in practice. However, the opposition has alleged that the BDP abuses state resources, including the influential state media, to its own benefit. The lack of a public-financing system also leaves opposition parties at a disadvantage. The 2018 withdrawal of an EAA provision that had increased candidates' fees brought some relief to opposition parties.

The UDC and its leader, Duma Boko, reported harassment and interference from government agencies during the 2019 election campaign, including the harassment of Boko's family members and the impounding of a light aircraft used by the UDC for campaigning. The Directorate of Intelligence and Security Services (DISS) has also been accused of harassing opposition parliamentarians; in November 2021, the DISS reportedly arrested three members of the opposition BPF.

In July 2020, amid concerns that BDP parliamentarians intended to join other parties, the government gazetted a bill that would effectively prohibit local and national legislators from doing so. The law came into force in February 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The BDP, drawing on the advantages of its long incumbency, has dominated the political landscape since 1966; no opposition party has ever won power.

In 2012, several opposition parties formed the UDC to contest elections. However, subsequent infighting within the UDC threatened its competitiveness during the 2019 contests. The opposition vote was further split when former president Khama quit the BDP in 2019 and helped form the BPF. In October 2020, the AP, BPF, and UDC signed an agreement to cooperate in future by-elections. However, persistent political infighting and the prevalence of personality-based leadership continues to impede the creation of a unified opposition.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are largely free from domination by unelected outside groups. While observers noted the potential for tribal chiefs to influence voters, an Afrobarometer survey published in January 2020 showed that most respondents did not see chiefs as influential.

Election monitors noted that Botswana political parties rely on foreign donations, which could allow for external interference in domestic politics.

There have been reports of vote buying during elections.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women have full political rights, but cultural factors limit their participation, and their interests are not necessarily addressed by elected leaders. Only 11 female candidates ran for seats in 2019, a decline from the 17 who participated in 2014. Seven women currently sit in the National Assembly.

Smaller ethnic and tribal groups tend to be left out of the political process, with observers noting that members are disadvantaged by the country's first-past-the-post electoral system. People with disabilities have participated at low levels in recent parliamentary elections. Parties generally do not represent the interests of LGBT+ people.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials determine government policies. However, opposition parties have criticized the executive for its influence over Parliament, which is situated within the office of the president, and for rushing legislation without adequate deliberation or consultation.

In 2016, lawmakers approved an amendment increasing the number of National Assembly members appointed by the president from four to six. Opposition leaders argued that the change would strengthen executive power at the legislature's expense.

In 2018, Masisi transferred the DISS and the Financial Intelligence Agency from their respective ministries to the president's office, prompting concerns over the improper centralization of power.

President Masisi declared a COVID-19 state of emergency in March 2020, and the Emergency Powers Act (EPA), which gave the president wide-ranging powers, was gazetted that April. The state of emergency remained in force until September 2021.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Botswana has a comprehensive legislative anticorruption framework. Whistleblower-protection legislation was passed in 2016. In 2019, legislators passed the Declaration of Assets and Liabilities Act (DALA), though opposition parties questioned its effectiveness in fighting corruption. DALA called for the creation of the Ethics and Integrity Directorate, which became operational in January 2020. However, anticorruption operations are constrained by a lack of funding; of the 182 cases before the Directorate of Public Prosecutions (DPP), 20 percent have been pending for 10 or more years.

The main anticorruption agency, the Directorate on Corruption and Economic Crime (DCEC) has been accused of ineffectiveness in pursuing high-level cases, and its independence has been questioned since it was transferred to the president's office in 2012. In June 2021, the president's office carried out an "unprecedented overhaul" of the DCEC, transferring a number of top investigators out of the agency without informing its director. The transfers, which came as the DCEC was pursuing high-profile cases involving top government officials, were later reversed.

In recent years, state anticorruption bodies have faced criticism for their perceived reluctance to pursue corruption cases against high-level individuals and for allegedly

conducting politically motivated prosecutions. In August 2021, a high-profile corruption case involving former DISS agent Welheminah “Butterfly” Maswabi was dismissed by a High Court judge who condemned the case as “contrived” and “malicious,” and recommended that the officials who initiated the proceedings be prosecuted.

C3. Does the government operate with openness and transparency? 2 / 4

Botswana lacks a freedom-of-information law, which limits government transparency. Budget processes are opaque and public contracts are often awarded through patronage networks. Section 44 of the Corruption and Economic Crime Act prohibits publishing information on DCEC investigations. Public officers and the heads of private organizations are subject to DALA.

The government embarked on a review of the public procurement law in April 2021 to address corruption and strengthen transparency and accountability. In November, President Masisi announced that a single law regulating public procurement would be adopted “soon.”

Opposition figures have criticized the government for a lack of transparency and making secretive deals, including the purchase of a luxury resort in May 2021. Local media outlets have also accused the government of suppressing public access to COVID-19-related information.

CIVIL LIBERTIES: 44 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 2 / 4

Freedom of expression is constitutionally guaranteed. However, incidents of intimidation and harassment against journalists have been reported under the Masisi administration. However, incidents of intimidation, harassment, and physical assaults against journalists have been reported under the Masisi administration. In May 2021, the Committee to Protect Journalists (CPJ) reported that Botswana authorities routinely use digital forensics technology to extract information from devices seized from detained journalists.

The CPJ also condemned the repeated arrests of several media workers in January and March 2021 while they were investigating a missing persons case. While the individuals were detained, police confiscated and searched their computers and mobile phones. The charges from the group’s March arrest were dropped in April.

State-run media outlets dominate the broadcasting sector and have exhibited progovernment bias. A government ban on private-media advertising remains in place, harming the competitiveness and viability of many outlets. The 2008 Media Practitioners Act established a statutory media regulator and mandated the registration of all media workers and outlets—including websites and blogs—with violations punishable by a fine or imprisonment. Journalistic activity is also affected by provisions of the National Security Law, DALA, and the DISS Act.

Journalistic activity was also affected by COVID-19 measures. Under the EPA, Botswana were prohibited from using sources other than the government or the World Health Organization (WHO). In 2020 and 2021, several journalists, including the editor of the Botswana People’s Daily News, Oratile Dikologang, were arrested for allegedly publishing “fake news” about the COVID-19 pandemic. Dikologang faces up to five years in prison if convicted.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected, though all religious organizations must register with the government.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Although academic freedom is generally respected, professors often practice self-censorship when addressing sensitive topics. Foreign academics have previously been deported for publishing work that criticized the government, contributing to cautiousness among many scholars.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is constitutionally protected but is restricted in practice, prompting self-censorship among Botswana. Insulting the president, a lawmaker, or a public official is punishable by a fine. The 2008 Public Service Act restricts the ability of public-sector workers to air political views. The DISS is able to monitor private online communications. In October 2021, the UN Human Rights Committee (OHCHR) expressed concern over an increase in the “scale and scope” of intrusive surveillance methods used against Botswana by the authorities in recent years.

Botswana were also affected by restrictions when discussing the COVID-19 pandemic. In March 2020, the communications regulator warned that so-called false-news dissemination was legally prohibited. The EPA included COVID-19-related false-news provisions. Offenders face a \$10,000 fine, imprisonment of up to five years, or both.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally guaranteed and largely upheld in practice. However, the Public Order Act requires citizens to seek police permission to exercise this right. The constitutionality of this clause has been questioned in the past, and police have sometimes denied requests for unclear reasons.

In September 2021, prominent religious leader Thuso Tiego was arrested for participating in an antigovernment protest march without a permit. Protesters who gathered outside the police station to demand his release were violently dispersed by police; some were also arrested.

The government declared a COVID-19-related state of emergency in March 2020, which restricted the size of public assemblies until it was lifted in September 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), including human rights groups, generally operate without restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The right to form a union is respected, but the Trade Dispute Act places restrictions on who can strike. As a result, the government declares many strikes illegal, putting employees’ jobs at risk. The law does not always protect workers from antiunion discrimination by employers.

In 2018, the government attempted to derecognize public-service unions for alleged noncompliance with provisions of the Public Service Act of 2008, but a trade court blocked

the attempt. In September 2021, the Botswana Federation of Public, Private, and Parastatal Sector Unions (BOFEPUSU) threatened to take the government to court for failing to reinstate the dormant Public Service Bargaining Council (PSBC) despite the president's 2018 promise to do so. The PSBC was not restored by year's end.

The right to strike was restricted by the EPA.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 3 / 4

The judiciary is generally independent and free from interference. Judges ruled against the government in several high-profile cases in 2021, including in August, when a High Court judge dismissed a corruption case against former DISS agent Welheminah "Butterfly" Maswabi, characterizing the prosecution as "malicious." The same month, another High Court judge condemned government officials for their "incompetence" in investigating alleged embezzlement from the state's National Petroleum Fund (NPF), while another court ordered the state to reimburse former president Ian Khama for costs incurred after he was denied the use of government-owned transport during a 2019 trip.

However, there have been calls to improve the transparency, impartiality, and public oversight of the selection and appointment processes for judges. While the Judicial Service Commission (JSC) advertises vacancies and interviews potential members of the High Court, the appointment process for Court of Appeal judges is relatively nontransparent. In July 2021, the Law Society of Botswana (LSB) accused the JSC of routinely promoting junior magistrates through a nontransparent process.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The right to a fair trial is constitutionally protected and generally upheld in practice. However, the judiciary lacks human and financial resources, leading to case backlogs, lengthy pretrial detentions, and the postponement of cases. The LSB has advocated for the "naming and shaming" of judges who delay in delivering rulings.

Attorneys are provided to defendants in capital cases, but defendants in noncapital cases must pay for their own counsel. The DISS can arrest suspects without a warrant if agents believe they have committed or will commit a crime.

While courts were affected by COVID-19 mitigation measures, they remained largely operational during 2020 and 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Although citizens are largely protected from the illegitimate use of force, corporal punishment is sometimes imposed. The law also allows for capital punishment; three people were executed in 2021.

The DISS has historically been accused of corrupt activity, unlawful arrests, and extrajudicial killings. Instances of police brutality have been reported, and perpetrators are rarely held accountable. Botswana has yet to investigate cases of police brutality reported during the enforcement of the COVID-19-related state of emergency.

Antipoaching operations have resulted in fatal incidents over the past two decades. In 2018, President Masisi ended an unwritten shoot-to-kill policy originally adopted in at least 2013 to deter wildlife poachers. The poaching ban was revoked altogether in 2019. However, in 2020, soldiers killed six suspected poachers. Botswana authorities began an inquest into the killings in November 2021. The inquest remained ongoing at year's end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Customary law, commonly applied in rural areas, often discriminates against women. The indigenous San people tend to be economically marginalized and lack access to education and other public services. There have been reports of beatings, abuse, and arbitrary arrests of San by police and park rangers.

Same-sex relations were criminalized until 2019, when the High Court ruled that the ban was unconstitutional. The Court of Appeal upheld the ruling in November 2021.

Refugees in Botswana have been detained in encampments and have been denied the ability to work and integrate into local communities.

In July 2021, Parliament voted to expand the mandate and the powers of the Ombudsman to include the “protection and promotion of human rights.” The process of restructuring the Ombudsman’s office began in October and continued through year’s end.

In August, Botswana ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Civil society groups praised the decision to ratify the convention, which came two months after the Albinism Society of Botswana reported the country to the Southern African Litigation Centre (SALC) for persistently failing to address the challenges faced by people living with albinism.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Most citizens can move freely throughout the country and travel internationally, though refugees and asylum seekers face movement restrictions. San people have limited access to their traditional lands in the Central Kalahari Game Reserve. The government’s long-standing policy has been to relocate San out of the reserve, and those who still have relatives living there must apply for a permit to visit them. In October 2020, San signatories sent a petition to President Masisi calling on the government to recommit to a dialogue to resolve the land-access dispute.

International and domestic movement restrictions were imposed under a COVID-19-related state of emergency beginning in March 2020, with Botswana requiring permits to travel within the country in some cases. The state of emergency ended in September 2021, lifting most restrictions on movement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Botswana has generally sound legal protections for property rights which are enforced in practice. The country’s regulatory framework is considered conducive to establishing and operating private businesses. Land rights for wives, widows, and orphans were improved in September 2020, when President Masisi signed amendments to the Land Policy of 2015 into law. In May 2021, the High Court found the compulsory acquisition of tribal land to be unlawful in a ruling that the SALC praised as “vital” to protecting tribal land rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence (GBV), including domestic violence and rape, is pervasive. Spousal rape is not considered a crime. Customary law restricts women’s rights within a marriage. When husbands and wives separate, custody is traditionally granted to the

father. Child and forced marriages still occur under customary law. Perpetrators are rarely prosecuted. Women can experience harassment for not dressing conservatively. During 2021, Botswana reported being turned away from COVID-19 vaccination sites run by community councils for failing to adhere to traditional dress codes. Such policies disproportionately affected women.

In 2018, Parliament passed the Penal Code Amendment Bill, which introduced stronger penalties for rape and raised the age of consent from 16 to 18. The government proposed further amendments to the Penal Code in 2021, which would introduce longer sentences for rape and provide compensation for victims. Women's rights activists expressed concern over certain aspects of the reforms, which also proposed criminalizing false rape allegations.

In November 2020, 25 dedicated courts were established to adjudicate GBV cases.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Workers enjoy protections against exploitative labor practices. However, employer abuses in the retail, tourism, and private-security sectors are an ongoing problem. Botswana lacks a strong regulatory framework for labor brokers that dispatch workers to clients on short-term contracts, in which exploitation is common.

Human trafficking remains an ongoing challenge. The Anti-Human Trafficking Act of 2014 was amended in 2018 to include stiffer financial penalties. However, the 2021 edition of the US State Department's *Trafficking in Persons Report* noted a "substantial decrease" in the government's antitrafficking efforts in 2021. Despite acknowledging the appearance of forced and child labor—particularly on San cattle farms—the government largely failed to address the problem during the year.

Brazil

Population: 212,800,000

Capital: Brasília

Freedom Status: Free

Electoral Democracy: Yes

Overview: Brazil is a democracy that holds competitive elections, and the political arena, though polarized, is characterized by vibrant public debate. However, independent journalists and civil society activists risk harassment and violent attack, and the government has struggled to address high rates of violent crime and disproportionate violence against and economic exclusion of minorities. Corruption is endemic at top levels, contributing to widespread disillusionment with traditional political parties. Societal discrimination and violence against LGBT+ people remain serious problems.

KEY DEVELOPMENTS IN 2021

- Brazilians remained heavily affected by the effects of the ongoing COVID-19 pandemic, with the January closure of an aid program worsening economic conditions for millions; support was temporarily reinstated in April, however. Nearly 425,000 deaths and over 14.6 million cases were reported to the World Health Organization (WHO) during the year.
 - Rallies supporting and opposing President Jair Bolsonaro were held nationwide on September 7, the country's independence day. Most activity was peaceful,
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though pro-Bolsonaro participants broke through police barriers in Brasília; Bolsonaro himself called for the impeachment of a Supreme Court justice while addressing supporters.

- Lower-house legislators did not sustain Bolsonaro's proposal to replace the country's electronic voting system in an August vote. On the day of the vote, Bolsonaro presided over a military parade in Brasília, which was widely derided by other politicians.
- The Bolsonaro administration interfered with the work of scholars and educators during the year. In October, the Economy Ministry asked legislators to restrict disbursements earmarked for scientific endeavors, while staff members at the National Institute of Educational Studies and Research (INEP) accused the government of trying to influence the content of school examinations in November.

POLITICAL RIGHTS: 31 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Brazil is a federal republic governed under a presidential system. The president is elected by popular vote for a four-year term and is eligible for reelection to a second consecutive term.

In the 2018 race, candidates made their cases to voters disillusioned by persistent, high-level corruption scandals, and increasingly concerned by a difficult economic environment and a rise in violent crime. Jair Bolsonaro, then of the far-right Social Liberal Party (PSL), won the election, taking 55.1 percent of the vote in a runoff against Fernando Haddad of the leftist Workers' Party (PT). Bolsonaro's campaign was characterized by a disdain for democratic principles and aggressive pledges to wipe out corruption and violent crime. An Organization of American States (OAS) election observation mission generally praised the poll's administration and stakeholders quickly accepted its result. However, the highly polarized campaign was marred by the spread of disinformation, conspiracy theories, and aggressive rhetoric on social networks and online messaging services (notably WhatsApp). There were also frequent preelection threats and violence targeting candidates, political supporters, journalists, and members of the judiciary. While most of the reported incidents appeared to involve attacks by Bolsonaro supporters, his backers were also targeted, and Bolsonaro was stabbed at a rally that September, forcing him to cut back on public appearances a month before the election.

State and municipal elections, which are regulated by the same voter-registration and vote-counting rules as national elections, are generally perceived as free and fair. Municipal elections were held throughout the country in November 2020. Centrist and conservative parties not aligned with the president made gains and PT mayoral candidates suffered losses, while Bolsonaro-backed candidates performed poorly.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Legislative elections are generally free and fair. The bicameral National Congress is composed of an 81-member Senate and a 513-member Chamber of Deputies. Senators serve staggered eight-year terms, with one- to two-thirds coming up for election every four years. Members of the Chamber of Deputies serve four-year terms.

In the October 2018 elections, the PT lost seats but remained the largest party in the lower house, with 56 deputies. The PSL captured 52 seats, up from just a single seat

previously. In the Senate, the center-right Brazilian Democratic Movement (MDB, previously PMDB) maintained its lead with a total of 12 seats, while the Brazilian Social Democratic Party (PSDB) won 9, followed by the Social Democratic Party (PSD), Democrats (DEM), and PT, with 4 seats each. The PSL entered the chamber after winning 4 seats.

The 2018 legislative elections were held concurrently with the first round of the presidential election; campaigning thus took place in the same highly polarized environment, marked by aggressive rhetoric and instances of political violence.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Brazilian election laws are generally well enforced. A Supreme Electoral Court (TSE) presides over cases related to violations of electoral law.

While Brazilian voters have cast ballots electronically since 1996, President Bolsonaro proposed its replacement with a paper-receipt system via a constitutional amendment. In August 2021, the TSE opened an investigation into Bolsonaro over his claims that elections due in 2022 could be affected by fraud due to electronic voting. The TSE also called on the Supreme Court to authorize an investigation, which a Supreme Court justice ordered days later. Later that month, the Chamber of Deputies did not sustain Bolsonaro's proposed amendment in a vote which did not attain a needed three-fifths majority. The TSE defended the integrity of the electronic voting system and announced measures to improve transparency after the legislative vote.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Brazil has an unfettered multiparty system marked by vigorous competition among rival parties. The electoral framework encourages the proliferation of parties, a number of which are based in a single state. Some parties display little ideological consistency. Party switching is common by members of Congress, rendering electoral coalitions fragile. The sheer number of parties means that the executive branch must piece together diverse and often ideologically incoherent coalitions to pass legislation. In late 2019, Bolsonaro left the PSL, joining the Liberal Party (PL) in November 2021.

Ahead of the 2018 elections, 35 parties were registered, 30 of which won seats in the lower chamber—the largest number of parties seated there since the country's return to electoral politics in 1985. However, political parties operate with little transparency and under no governance rules, and often are targets of investigations into the misuse of public funds.

In October 2021, the PSL and the DEM announced their intention to merge; their proposed party, the Brazil Union, would have the single largest number of legislators in the current Chamber of Deputies. The merger requires the TSE's approval and was not finalized at year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are able to compete freely and gain power through elections at both the federal and subnational levels. Ahead of the 2018 polls, the small, far-right PSL succeeded in attracting widespread support in a short amount of time. Elected officials in subnational positions are often influential political actors, and prominent opposition to Bolsonaro has come from these leaders.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Recent investigations into corruption have exposed how powerful business interests undermine democratic accountability by facilitating or encouraging corruption among elected officials. Criminal groups have carried out attacks against political candidates.

In 2018, Rio de Janeiro councilwoman Marielle Franco, a Black lesbian politician and outspoken advocate for minorities, was murdered. Investigations into the crime revealed corruption schemes and the growing power of militia groups in Rio de Janeiro State, whose membership includes active and retired members of the local police force. Although two alleged perpetrators were detained in 2019, the mastermind of the crime remained unknown.

Militias and other criminal organizations—which may exercise significant control over campaigning and other political activity within their territories—were partly blamed for a rise in violence as the 2020 municipal elections approached; at least 25 candidates were killed prior to the balloting that November.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution guarantees equal rights without prejudice, but some groups have greater political representation than others. Afro-Brazilians and women and their interests remain underrepresented in electoral politics and in government. Only 15 percent of all Chamber of Deputies seats were held by women as of December 2020, while 12.4 percent of Senate seats were held by women as of that month.

Several underrepresented groups saw improvements during the 2020 municipal elections: self-identified Afro-Brazilians garnered approximately 44 percent of city council seats; the number of Indigenous mayors and council members rose nearly 30 percent; LGBT+ candidates won a record number of seats; and the number of women elected rose modestly compared to 2016. Gains in diversity were abetted by a TSE ruling that parties must distribute public campaign funds equitably between white and nonwhite candidates.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Widespread corruption undermines the government's ability to make and implement policy without undue influence from private or criminal interests.

During the 2010s, the functioning of government was severely hampered by a rolling political crisis that saw the removal of then president Dilma Rousseff following charges she had improperly manipulated the state budget. Her term was completed by then vice president Michel Temer, who faced bribery and obstruction-of-justice charges which the lower house subsequently blocked.

Given Bolsonaro's lack of a stable governing coalition, congressional leaders have gained political prominence since he came to power. The National Congress and state governors helped fill a vacuum in responding to the ongoing COVID-19 pandemic, with many governors insisting on stricter pandemic restrictions and vocally objecting to Bolsonaro's management.

The presence of thousands of active-duty and retired military officials in the Bolsonaro administration, along with the expansion of military missions to areas like environmental protection, has prompted unease about growing armed-forces influence in politics. In August 2021, as legislators considered Bolsonaro's proposal to end electronic voting, Bolsonaro presided over a military parade in Brasília, which was derided by other politicians.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and graft are endemic in Brazil, especially among elected officials. Beginning in 2014, an investigation known as Operation Car Wash focused on bribery, money laundering, and bid-rigging involving state oil company Petrobras and private construction companies. In addition to former Petrobras executives and heads of major construction firms, its findings have also implicated elected officials from across the political spectrum. Sérgio Moro, then serving as a judge, became the face of the crackdown, and subsequently joined the incoming Bolsonaro administration as justice minister.

However, a series of investigative reports known as Car Wash Leaks, published by the Intercept Brasil in 2019, exposed an improper relationship between then judge Moro and federal prosecutors, in which Moro shared advice on how to prosecute high-level corruption cases. One such case was that of former president Luiz Inácio “Lula” da Silva, who was convicted on corruption charges and imprisoned in 2018 before being freed in late 2019, after the Supreme Court ruled that defendants must be released while appeals are pending. A Supreme Court justice annulled the convictions in March 2021 on procedural grounds, a decision sustained by the full court in April. Moro himself had resigned as justice minister in 2020, after President Bolsonaro attempted to interfere with the federal police, one of the agencies tasked with investigating the president’s family and associates.

Criminal inquiries have targeted multiple members of Bolsonaro’s family. In November 2020, one of the president’s sons, Senator Flávio Bolsonaro, was charged with diverting public resources when he was a Rio de Janeiro state deputy. By March 2021, all four Bolsonaro sons were subject to corruption investigations. In July, news outlet UOL reported on President Bolsonaro’s apparent participation in a salary-embezzlement scheme while serving as a lower-house legislator; prosecutors would not be able to file any charges until he leaves office. By December 2021, the Supreme Court’s second chamber reportedly ruled that evidence against Flávio Bolsonaro was inadmissible.

Numerous corruption allegations were lodged amid Brazil’s widely criticized response to the COVID-19 pandemic. In April 2021, the Senate opened an inquiry into the Bolsonaro administration’s management of the pandemic. The inquiry submitted its report to the prosecutor general’s office in October, accusing the president of committing 9 crimes, including misuse of public funds, and calling for indictments against 78 individuals and 2 companies.

State and local governments have also faced investigations. Rio de Janeiro state governor Wilson Witzel, who was suspended over a federal graft probe related to pandemic-related procurements in September 2020, was removed from office in April 2021.

C3. Does the government operate with openness and transparency? 2 / 4

Brazil enacted a Freedom of Information Act in 2012, but in practice, the government does not always release requested information, and when doing so, not always in machine-readable formats. Compliance with the legislation also varies among the country’s 26 states and the Brasília Federal District. In 2019, the Bolsonaro administration enacted a decree modifying the Freedom of Information Act, giving a larger group of officials the power to classify information as secret.

During the COVID-19 pandemic, President Bolsonaro routinely spread misinformation about the virus, advocating use of discredited medications, particularly hydroxychloroquine. In October 2021, Bolsonaro claimed that recipients of COVID-19 vaccines were susceptible to acquiring AIDS. Supreme Court justice Alexandre de Moraes ordered a probe into his comments in December.

COVID-19-related transparency portals maintained by subnational governments partially compensated for federal shortcomings by providing information on emergency contracts, donations, and social protection measures.

CIVIL LIBERTIES: 42 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF 13 / 16 (-1)

D1. Are there free and independent media? 3 / 4

The constitution guarantees freedom of expression and the country's media environment is vibrant. However, investigative journalists, particularly those who cover corruption and crime, face threats, harassment, obstruction, and sometimes deadly violence.

Journalists who criticize Bolsonaro face online and offline harassment, and outlets that carry such criticism face economic pressure from the government. Reporters Without Borders (RSF) counted 331 attacks against the press from President Bolsonaro, his family, and other government officials in the first half of 2021, a 5.4 percent increase over the second half of 2020.

The legal framework provides inadequate protection for freedom of expression. Defamation is subject to criminal penalties, and high-ranking officials have requested criminal investigations of journalists over criticisms of the government's COVID-19 response. In May 2021, Attorney General Augusto Aras alleged that *Folha de São Paulo* columnist and law professor Conrado Hübner Mendes engaged in slander, libel, and defamation for a January column criticizing Aras. The case remained ongoing as of July.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, and the government generally respects this right in practice. However, Afro-Brazilian religious groups face discrimination; 17 percent of cases registered through a national human rights hotline in the first half of 2019 came from members of those groups, who represent less than 2 percent of the Brazilian population. Violence against Afro-Brazilian religious groups is frequent, especially in Rio de Janeiro's favelas. The Commission to Combat Religious Intolerance, composed of judges and public prosecutors, registered over 200 Afro-Brazilian temples ("terreiros") closed in 2019 after assaults or threats from evangelical drug dealers, who claim territory like other Brazilian drug traffickers but also seek to repress faiths other than their own.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4 (-1)

Education policy has become increasingly politicized under the Bolsonaro administration, with some professors and researchers seeking temporary refuge abroad following threats in Brazil.

The administration placed persistent pressure on academia and scientific organizations during the year. In February 2021, the comptroller general's office warned epidemiologist Pedro Hallal that his employment was at risk after he criticized the administration's COVID-19 response. The comptroller general later reached an agreement with Hallal, who promised not to discuss professional "appreciation or disapproval" for two years. In early 2021, the Education Ministry ordered the rectors of federal universities to stop staff activities deemed "partisan," though it rescinded its order in March. In April, the administrator of the Chico Mendes Institute for Biodiversity Conservation was allowed to review the works of its scientists before publication.

Government bodies have also sought to disrupt funding for scientific and educational projects. In October 2021, the Economy Ministry asked a congressional budget committee to restrict monetary disbursements earmarked for a public-science funding mechanism.

In November 2021, staff members of the National Institute of Educational Studies and Research (INEP), which is responsible for administering school tests, accused the government of pressuring it to remove controversial subjects from a high school examination. Some 37 INEP staff members asked for their own dismissal that month, citing a hostile work environment.

The administration has worked to influence education in other ways since taking power. In 2019, for example, the administration sought to remove references of gender-based violence (GBV) and minority-rights issues from school textbooks. In September 2021, news outlet *Estadão* reported that schoolchildren in Santa Filomena were forced to watch pro-Bolsonaro advertisements while using a publicly provided internet service.

Score Change: The score declined from 4 to 3 because the government has continued to monitor and persecute scholars for their work.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

People are generally able to express personal views in public without fear of surveillance or retaliation. However, in the tense 2018 campaign atmosphere, some political speech was met with acts of violence. A prevalence of violent homophobic rhetoric in recent years has contributed to a sense of fear among many that open discussion of LGBT+ rights and issues could be met with harassment or attack.

Social-media intimidation and harassment by progovernment troll groups remains a serious problem in Brazil. Bolsonaro allies, including family members, have faced investigations over their involvement in disinformation campaigns.

Public servants are subject to social-media monitoring and risk losing their positions if they criticize the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

While freedom of assembly is generally respected, police or other security agents sometimes use excessive force against demonstrations.

Pro- and anti-Bolsonaro protests were held nationwide on September 7, 2021, the country's independence day. Pro-Bolsonaro protesters successfully broke through police barriers in Brasília, though they were prevented from entering the Supreme Court building and police used tear gas to push demonstrators back. The rallies, which reportedly included over 100,000 participants in Brasília and São Paulo, were otherwise largely peaceful.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) operate freely in a variety of fields. However, activists working on land rights and environmental protection issues have faced harassment, threats, and violence in recent years, along with verbal hostility from Bolsonaro and other administration officials. In September 2021, Global Witness called Brazil the fourth most-dangerous country in the world for environmental activists, noting the deaths of 20 activists in 2020.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Industrial labor unions are well organized, and although they are politically connected, Brazilian unions tend to be freer from political party control than their counterparts in other Latin American countries. However, controversial labor reforms enacted in 2017 diminished the strength and role of unions in collective bargaining with businesses.

F. RULE OF LAW: 8 / 16**F1. Is there an independent judiciary? 3 / 4**

The judiciary, though largely independent, is overburdened, inefficient, and often subject to intimidation and other external influences, especially in rural areas. Despite these shortcomings, the country's progressive constitution has resulted in an active judiciary that often rules in favor of citizens over the state.

The Supreme Court has maintained its role as an autonomous counterweight to the executive. Tensions remained high in 2021, with Bolsonaro frequently issuing threats against the court. In August, Bolsonaro called for the impeachment of Supreme Court justice Alexandre de Moraes, who had backed the TSE's call for an investigation into the president over his voting fraud comments earlier that month. Bolsonaro also vowed to ignore de Moraes's rulings when addressing supporters on September 7. Chief Justice Luiz Fux criticized Bolsonaro's statements in remarks delivered a day later, and Bolsonaro subsequently apologized to the court.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The judiciary generally upholds the right to a fair trial. However, federal, state, and appellate courts are severely backlogged. The state struggles to provide legal counsel for defendants and prisoners who are unable to afford an attorney. Access to justice also varies greatly due to income inequality. Under a 2017 law, members of the armed forces and military police accused of certain serious crimes against civilians can be tried in military, rather than civilian, courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Brazil has a high homicide rate, though an 8 percent decline was recorded in the first half of 2021 over the same period in 2020. The police force remains mired in corruption, and serious police abuses, including extrajudicial killings, continued in 2021. Police officers are rarely prosecuted for abuses, and those charged are almost never convicted. In July 2021, the Brazilian Public Security Forum (FBSP) reported 6,416 deaths caused by police in 2020. Some 79 percent of the victims were Black.

Police violence is particularly acute in Rio de Janeiro State. The July 2021 FBSP report noted that seven cities there had some of the country's highest rates of police-caused deaths. In June 2020, the Supreme Court forbade most police operations in Rio de Janeiro's slums during the COVID-19 pandemic, leading to a sharp decline in police violence before the state government resumed raids that October. A May 2021 raid in the Jacarezinho section of the city of Rio de Janeiro ended with the deaths of 28 people, making the raid the deadliest in the city's history. While the authorities claimed that 24 of the dead attacked police officers, eyewitnesses claimed that officers engaged in executions.

Conditions in severely overcrowded prisons are life-threatening, characterized by disease, a lack of adequate food, and deadly gang-related violence. Violence is more likely to

affect poor, Black prisoners. Prisoners and prison staff also risk contracting COVID-19. In May 2021, press outlet Globo reported that at least 437 inmates and prison officials died of the illness since the pandemic began.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Some populations are not able to fully exercise their human rights in practice. Many Indigenous communities—who comprise about 1 percent of the population—suffer from poverty and lack adequate sanitation and education services.

Just over half of the population identifies as Black or of mixed race. Afro-Brazilians suffer from high rates of poverty and illiteracy, and almost 80 percent of Brazilians living in extreme poverty are Black or mixed race. Victims of violence in Brazil are predominantly young, Black, and poor: According to a 2021 FBSP report, 77 percent of murder victims in 2019 were Black. The FBSP also counted 1,350 femicides in 2020, a 0.7 percent increase over 2019.

Although Brazilian society is largely tolerant, it reportedly has one of the world's highest levels of violence against LGBT+ people. According to Grupo Gay da Bahia, an LGBT+ advocacy organization, 224 LGBT+ people were killed in 2020 because of homophobic violence, while another 13 died by suicide. The organization noted that 70 percent of victims were transgender or cross-dressing people.

In 2019, despite intense pressure from some religious and political leaders, the Supreme Court ruled LGBT+ people are protected under a criminal law that prohibits discrimination on the basis of “race, color, ethnicity, religion, and national origin.”

Indigenous lands have been subject to increased pressure since Bolsonaro took office, encouraged by his rhetoric and support for easing environmental laws. Indigenous groups were severely affected by the COVID-19 pandemic, and legislators were forced to override a veto of several provisions of an aid package meant to support Indigenous peoples.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Brazilians enjoy freedom to travel within and outside of the country, and to make decisions about their places of residence and employment, though access to high-quality education across all levels remains a challenge. Gang violence in favelas has sometimes impeded free movement and has prompted schools to shut down temporarily.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

While property rights are generally enforced, laws granting Indigenous populations exclusive use of certain lands are not always upheld, sometimes leading to violent conflicts. According to the Pastoral Land Commission, 26 people were murdered over land disputes in the first eight months of 2021, with a plurality of victims belonging to Indigenous groups. According to Human Rights Watch (HRW), the federal government almost completely ceased collecting environmental fines starting in late 2019, even as illegal deforestation increased. In July 2021, Reuters reported on the existence of a backlog of over 17,000 uncollected fines.

Requirements for starting new businesses are often onerous, but authorities have taken some steps to ease the process. Legislation approved in 2019 loosened licensing and

inspection requirements for small businesses, for example. Corruption and organized crime can pose obstacles to private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict social freedoms. Same-sex marriage became legal in 2013. GBV remains widespread, though legislation has been introduced to combat it. A 2006 law sought to address high rates of impunity for domestic violence. Law 14.188, which entered force in July 2021, amended the penal code to criminalize simple bodily harm due to gender and criminalize psychological violence against women.

Abortion is legal only in the case of rape, a threat to the mother's life, or a rare and usually fatal brain deformity in the fetus. In August 2020, the Health Ministry imposed new reporting requirements on clinicians in cases of rape survivors seeking abortions. These restrictions limit women's reproductive choices and impinge on family planning. As many as one million Brazilians seek abortions through clandestine means annually, including by traveling abroad.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Slavery-like working conditions pose a significant problem in rural and urban zones. A 2012 constitutional amendment allows the government to confiscate all property of landholders found to be using slave labor, a measure Bolsonaro has criticized. The economy has also suffered from mismanagement, including negligence and corruption in state-owned mining and oil enterprises, and successive administrations have failed to address distortions caused by economic concentration. Deeply entrenched patterns of discrimination, including precarious informal employment, contributed to Afro-Brazilians suffering high COVID-19-related mortality rates. State spending to address inequality has been obstructed by a 20-year budgetary spending cap enacted in 2016, which resulted in cuts to public services.

At the outset of the COVID-19 pandemic, poverty and inequality in Brazil had risen more since 2014 than in any other country in Latin America, and the pandemic led to record unemployment and workforce reductions. An emergency aid program provided to offset COVID-19-induced disruptions reduced poverty rates in 2020 but was withdrawn at the end of that year, forcing many recipients back into poverty. The government temporarily restored some pandemic aid in April 2021. Some 14.7 million Brazilians faced extreme poverty as of June.

Brunei

Population: 500,000

Capital: Bandar Seri Begawan

Freedom Status: Not Free

Electoral Democracy: No

Overview: Brunei is an absolute monarchy in which the sultan exercises executive power. There are no elected representatives at the national level. Freedoms of the press and assembly are significantly restricted. Online speech is monitored by authorities, but is lively nevertheless.

KEY DEVELOPMENTS IN 2021

- COVID-19 transmission accelerated in August, prompting authorities to impose restrictions that were loosened in November. Some 15,000 cases were reported to the World Health Organization (WHO) by year's end, along with 54 deaths.

POLITICAL RIGHTS: 7 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The hereditary sultan, Hassanal Bolkiah Mu'izzaddin Waddaulah, is the head of state and prime minister, and continues to wield broad powers under a state of emergency imposed in 1962, when Brunei was still governed as a British protectorate.

In recent years, Brunei has appeared to be paving the way for Hassanal's son, Prince Al-Muhtadee Billah, to take power. There are no indications that any transition would involve moving away from a traditional monarchy.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The unicameral Legislative Council has no political standing independent of the sultan, who appoints its members. Brunei has not held direct legislative elections since 1962.

Elections are held for village-level councils that play a consultative role, though candidates are vetted by the government.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

There are no national-level electoral laws, and there have not been any national, direct legislative elections in over five decades.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Genuine political activity by opposition groups remains extremely limited. The National Development Party (NDP) was permitted to register in 2005 after pledging to work as a partner with the government and swearing loyalty to the sultan; it is Brunei's only registered party.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

There are no national-level elections in which opposition forces could gain power. Since the National Solidarity Party was deregistered without explanation in 2007, the NDP has been Brunei's sole legal political party. It has no formal political role and is unable to challenge the sultan's power in any meaningful way.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

With the dominance of the sultan and lack of elections, residents have few avenues for genuine and autonomous political participation. However, people have a very limited ability to challenge unpopular policies through the organization of social movements.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Members of ethnic, religious, and other minority groups have few opportunities for political participation, even on a local level. Village council candidates must be Muslim, and ministers and deputy ministers must be Muslim and Malay unless the sultan grants an exception. Since many ethnic Chinese in Brunei remain permanent residents and not citizens, they are further excluded from the country's politics. Women play a minimal political role at the national and local level.

C. FUNCTIONING OF GOVERNMENT: 4 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

No national-level policymakers are chosen through elections. The sultan wields broad powers and is counseled by appointed advisory bodies and the appointed legislature.

C2. Are safeguards against official corruption strong and effective? 3 / 4

In 2015, the government enacted amendments to the Prevention of Corruption Act, which strengthened the anticorruption framework by establishing new conflict of interest rules for public officials, among other provisions. The government claims to have a zero-tolerance policy on corruption, and its Anti-Corruption Bureau has successfully prosecuted a number of lower-level officials.

In early 2020, two former judges were convicted of charges including money laundering over accusations that they embezzled millions of dollars from government-controlled accounts. In July 2021, the Court of Appeal upheld their convictions and lengthened their prison sentences.

C3. Does the government operate with openness and transparency? 1 / 4

Although the appointed Legislative Council has no independent power, it formally passes the state budget and engages in question-and-answer sessions with government officials. The council meets once each year for a session lasting approximately two weeks. However, government operations are largely opaque.

CIVIL LIBERTIES: 21 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16****D1. Are there free and independent media? 1 / 4**

Officials may close newspapers without cause and fine and imprison journalists for up to three years for reporting deemed "false and malicious." Brunei's only television station is state-run. The country's main English-language daily newspaper, the *Borneo Bulletin*, is controlled by the sultan's family and its journalists often practice self-censorship. Another English-language newspaper, the *Brunei Times*, closed abruptly in 2016, allegedly after complaints from the Saudi embassy in Brunei over critical coverage of Saudi hajj policies. The Scoop, a news site that launched in 2017, contains mildly independent coverage.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The state religion is the Shafi'i school of Sunni Islam, but the constitution allows for the practice of other religions. Non-Shafi'i forms of Islam are actively discouraged, and marriage between Muslims and non-Muslims is not allowed. Muslims require permission from the Ministry of Religious Affairs to convert to other faiths. Christians are allowed to

hold low-key Christmas celebrations inside churches or at homes, but not outdoors or at shopping malls.

In 2014, Brunei implemented new criminal regulations based on Sharia (Islamic law), which include limits on the use of certain words and expressions deemed to be sacred to Islam in reference to other religions. The code also includes a ban on proselytizing of a religion other than Islam to Muslims or atheists and requires Muslims to participate in religious observances. In April 2019, the government implemented a second phase that mandated death by stoning for insulting the prophet Muhammad, though a moratorium on this phase was issued that May.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is respected to some extent, although institutions must seek approval from authorities to host visiting scholars, public lectures, and conferences. Scholars reportedly practice self-censorship.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

The government utilizes an informant system to monitor suspected dissidents, and online communications are monitored for subversive content. In 2019, a former civil servant became the first individual to be convicted under the Sedition Act after making statements criticizing the government's halal certification policy; the individual subsequently fled Brunei, fearing punishment under laws prohibiting same-sex activity as a gay man. Nevertheless, Brunei has an increasingly active and vibrant online community, though internet users reportedly self-censor regarding issues related to the monarchy.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Long-standing state-of-emergency laws restrict freedom of assembly. No more than 10 people can assemble for any purpose without a permit, and these laws are frequently enforced.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Most nongovernmental organizations (NGOs) are professional or business groups, although a few work on issues related to social welfare. All groups must register, registration can be refused for any reason, and registered groups can be suspended.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The law guarantees the right to form and join a union, but the agreement that had permitted Brunei's only formerly active union, the Brunei Oilfield Workers Union, is expired. Strikes are illegal, and collective bargaining is not recognized.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Brunei has a dual judicial system of secular and Sharia courts; all senior judges are appointed by the sultan. The courts appear to act independently when handling civil matters, and have yet to be tested in political cases or under the new regulations recently phased in. They have not shown independence in any cases relating to the sultan's interests, however.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Civil and criminal law is based on English common law and is enforced in secular courts, while Sharia is enforced in Sharia courts. People detained under the Internal Security Act lack due process rights including the presumption of innocence.

The country's controversial Sharia-based penal code was delayed for several years; Brunei introduced the first phase in 2014 but did not fully implement the code, which contains penalties including amputations and death by stoning, until 2019.

The government only provides an attorney to indigent defendants in death penalty cases. To address this gap in access to justice, the Law Society of Brunei launched a pilot program for the country's first legal aid fund in 2018.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Brunei retained the death penalty for crimes including drug trafficking before the new Sharia code was launched. However, no individual has been executed since 1957. Prison conditions generally meet international standards.

Sharia-based criminal statutes implemented in 2019 contain more severe penalties for violations including consensual same-sex relations, theft, and adultery; they vary from whippings to amputations and death by stoning. That May, the sultan issued a "de facto moratorium on capital punishment," but did not issue clarification on the other provisions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Bruneian citizenship is inherited from citizen fathers. Citizen mothers must complete an application to pass citizenship on to children born to a noncitizen father. Thousands of stateless residents of Brunei, including longtime ethnic Chinese residents, are denied the full rights and benefits granted to citizens. The royal family receives unique and favored treatment in all aspects of laws, policies, and practices.

LGBT+ people living in Brunei are subject to severe penalties for same-sex relations under Sharia-based laws. Under regulations introduced in 2019, consensual same-sex acts can be punished by death, or by whipping if the offenders are female.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Freedom of movement is respected. All government employees, domestic and foreign, must apply for permission to travel abroad, but permission is easily obtained. Brunei did not rely on aggressive lockdowns seen elsewhere in the region in response to COVID-19.

Stateless children do not have free access to education and instead must apply to enroll in schools; if accepted they sometimes have to pay tuition not required of citizens.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Bruneian citizens are able to own property and can establish businesses with relative ease, but protections for private property are weak. State-linked firms dominate many sectors of the economy and the government heavily subsidizes a number of industries.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women are disadvantaged in Brunei under Islamic law in matters involving divorce and child custody. The Sharia penal code criminalizes “indecent behavior,” enjoins women to dress “modestly,” and makes abortion and extramarital sex capital offenses. There is no specific law against domestic violence, and although rape is a capital crime, spousal rape is not criminalized.

Transgender people are prohibited from dressing in line with their gender identity under the Sharia-based penal code.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

There is no private-sector minimum wage in Brunei. Labor inspections are frequent but are often aimed at identifying undocumented migrant workers. Migrants who come to Brunei to serve as household workers are often coerced into involuntary servitude or debt bondage and can face varying forms of abuse. Workers who overstay visas are regularly imprisoned and, in some cases, caned.

According to the US State Department’s 2021 *Trafficking in Persons Report*, Bruneian authorities are making efforts to combat human trafficking; however, they did not identify trafficking cases, prosecute traffickers, or secure convictions during the reporting period. The government operates a shelter for women and boys who are trafficked, but adult males do not receive shelter or services.

Brunei ratified the Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons and acceded to the United Nations Trafficking in Persons protocol in 2020.

Bulgaria

Population: 6,900,000

Capital: Sofia

Freedom Status: Free

Electoral Democracy: Yes

Overview: Multiple parties compete in Bulgaria’s democratic system, and there have been several transfers of power between rival parties in recent decades. The country continues to struggle with political corruption and organized crime. Though the media sector remains pluralistic, outlets face increasing pressure to provide government-friendly coverage. Journalists at times encounter threats or violence in the course of their work. Ethnic minorities, particularly Roma, face discrimination. Despite funding shortages and other obstacles, civil society groups have been active and influential.

KEY DEVELOPMENTS IN 2021

- Two parliamentary elections, held in April and July, failed to bring about the formation of a new government, sparking a months-long political crisis. The crisis was resolved when a third parliamentary election—held in November to coincide with the presidential election—resulted in the consolidation of a coalition government under Prime Minister Kiril Petkov.
 - Though presidential powers are generally limited, President Rumen Radev took on a prominent political role between the April and November parliamentary elections, when in the absence of an elected parliament, he was required to appoint
-

an interim government; Radev appointed two successive provisional governments during the year. Radev won reelection in November with 65.8 percent of the vote.

- Widespread anticorruption protests were held daily until April, when then prime minister Boyko Borisov left parliament; though Borisov's departure resolved one of the protesters' key demands, frequent antigraft protests continued throughout the rest of the year. Following the November elections, the newly formed coalition government of four "protest parties" announced a shared platform centered on anticorruption and judicial reform.

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, directly elected for up to two five-year terms, is the head of state; the prime minister, who serves as head of government, is chosen by the legislature. Though presidential powers are generally limited, in the event that parliament cannot form a government, the president has the power to dissolve the National Assembly, schedule new elections, and appoint an interim government.

In November 2021, incumbent president Rumen Radev was reelected to the presidency for a second term after winning 65.8 percent of the vote in the second round of the presidential elections. Radev, an independent candidate, was supported by the Bulgarian Socialist Party (BSP), the We Continue the Change party (PP), and the antielite There is Such a People party (ITN). The election was assessed by international observers to be generally competitive and free, though some irregularities, including problems with voting machines, were noted.

In December, the newly elected parliament confirmed Kiril Petkov, a member of the PP, as prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral National Assembly, with 240 members, is elected every four years in 31 multimember constituencies.

Parliamentary elections were held as scheduled in April 2021. Though incumbent prime minister Boyko Borisov's ruling party, the Citizens for European Development of Bulgaria (GERB), won the highest percentage of the vote, the party lost its majority, and was unable to form a coalition government. Following the April elections, Radev appointed a provisional government and called for new parliamentary elections to be held in July. A second interim government was put in place after the July parliamentary elections also failed to result in the formation of a government.

A third round of parliamentary elections, held in November, was won by the PP, a newly launched centrist party. The PP, which received 25.5 percent of the vote, was able to form a coalition government with the BSP, the ITN, and the Democratic Bulgaria alliance (DB). After forming, the coalition—which occupies 134 seats in the National Assembly—announced that it will govern based on a shared anticorruption platform.

All three parliamentary elections held in 2021 were deemed to be generally competitive and free by international election observation missions. However, alleged instances of voter intimidation and vote-buying by various groups, including by the Movement for Rights and Freedoms (DPS) party, were reported; such irregularities are persistent in economically and socially vulnerable communities. The Organization for Security and Co-operation in Europe

(OSCE) election observation mission also reported the “massive” misuse of government resources by the incumbent GERB during the April elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Central Election Commission (CEC) administers Bulgaria’s elections and generally works professionally and impartially, though some flaws have been reported in past elections.

Controversial changes to the electoral code were introduced in September 2020, just months ahead of scheduled 2021 elections. The changes mandated a “mixed” mode of voting, using both paper ballots and voting machines; OSCE observers reported that the use of paper balloting led to a high percentage of invalid ballots in the April 2021 elections.

Substantial changes to the electoral framework were introduced between the April and July 2021 parliamentary elections, removing restrictions on voting abroad, reducing the CEC from 20 members to 15, and requiring the implementation of electronic voting as the only voting method. Though the short timeframe between the electoral code amendments and election day negatively impacted electoral administration, the electoral code reforms were generally accepted by both voters and political parties. In both the July and November elections, electronic voting reduced the incidence of invalid ballots; no evidence was found to support allegations of voting machine fraud made by GERB.

In November, contrary to provisions made in the May electoral reforms, the Supreme Administrative Court (SAC) ruled that the CEC would not be permitted to use mandatory manual vote counts to certify the election results.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Bulgaria’s party system is quite volatile, featuring both established parties like the BSP and DPS, as well as cycles in which new parties emerge while others decline or disappear. Several new parties emerged and gained power in 2020 and 2021, including both the ITN and the PP, members of the coalition government formed after the November 2021 parliamentary elections. The DB alliance, a third member of the governing coalition, was formed in 2018.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple peaceful transfers of power between rival parties through elections since the end of communist rule in 1990.

In 2021, the ruling GERB party lost its majority in the April 2021 parliamentary elections; a coalition of opposition parties came to power following the November parliamentary elections.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Bulgarians are generally free to make independent political choices. However, limited public funding and unlimited private funding for political parties leaves parties vulnerable to the undue influence of private donors.

Prominent businessmen dominate major political parties and exert influence over party platforms and policy decisions. The problem of business influence is exacerbated by a lack of transparency in campaign finance law.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While marginalized groups generally have full political rights, the law dictates that electoral campaigns must be conducted in the Bulgarian language, which hinders outreach to non-Bulgarian-speaking minority groups. The ethnic Turkish minority is represented by the DPS, but the Roma are more marginalized. Small Romany parties are active, and many Roma reportedly vote for the DPS, though none hold seats in the parliament. Courts have continued to deny registration to the political party OMO Ilinden, which seeks legal recognition of a Macedonian ethnic minority in Bulgaria; this issue was featured in a critical European Parliament resolution on the rule of law and fundamental rights in Bulgaria, adopted in October 2020.

Members of far-right nationalist parties have engaged in hate speech against Roma, ethnic Turks, Jews, Muslims, migrants, and refugees, among other groups, particularly during election periods.

Women are underrepresented in parliament, and the inclusion of women's issues in politics is generally lacking.

So-called oligarchs exert influence on the vote in smaller municipalities and within marginalized groups in particular, an issue referred to as the "controlled vote." Instances of controlled voting decreased following the May 2021 adoption of electoral reforms requiring electronic voting.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected executive and legislative officials in general are able to set and implement policies without undue interference from external or unelected entities. However, "oligarch" politicians in the last several years have had increasing influence on policy making.

The informal influence on government of the nominally opposition party DPS and its honorary chair Ahmed Dogan, and the widespread perception that aspects of the state have been "captured" by dubious business figures, were among the triggers of the mass antigovernment protests in 2020.

The businessman and DPS lawmaker Delyan Peevski is also suspected of having had influence over policymaking, and of having played a role in securing the appointment of Ivan Geshev as the country's controversial prosecutor general. In July, as protests continued, Borisov replaced several of his cabinet ministers and GERB released a statement saying the dismissals were necessary to "eliminate insinuations that GERB and the three are directly controlled by the DPS and Peevski."

C2. Are safeguards against official corruption strong and effective? 2 / 4

Bulgaria, which joined the European Union (EU) in 2007, has struggled to meet the bloc's anticorruption requirements amid resistance from much of the political class. Anti-corruption laws are not adequately enforced, including in high-profile cases, contributing to a culture of impunity. The country remains subject to long-term monitoring by the EU's

Cooperation and Verification Mechanism (CVM), whose annual reports have called for new legislative efforts to combat corruption.

In 2020, mass antigovernment protests were launched in response to a series of corruption scandals involving both the prosecutorial office and a number of politicians. The resignations of Geshev and Borisov, both of whom are widely associated with corrupt practices within the government, were key demand of the protesters. Though Borisov left parliament following the April 2021 elections, Geshev remained in office at year's end.

The judiciary has been inefficient in tackling high-profile corruption cases; a 2021 report released by the Organisation for Economic Co-operation and Development (OECD) criticized the prosecutor's office for its persistent failure to investigate and prosecute cases of corruption.

The coalition government that formed following the November 2021 elections is made up of four "protest parties" that share an anticorruption platform centered on judicial reform.

C3. Does the government operate with openness and transparency? 3 / 4

Although Bulgaria has laws meant to ensure that the government operates with transparency, they are only partially enforced. While the transparency in the work of Parliament, the cabinet, and municipal bodies has increased considerably in recent years, public access to information about budgets and spending of various government agencies is sometimes inadequate or presented in an inaccessible way.

CIVIL LIBERTIES: 46 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 2 / 4

The constitution protects freedom of expression, including for the press, but journalists face threats and pressure from private owners or public media management. Even though the media sector remains pluralistic, many outlets are dependent on financial contributions from the state (through advertising), effectively resulting in pressure to run government-friendly material. Media ownership remains opaque.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is generally respected, but members of minority faiths in the mostly Orthodox Christian country have reported instances of harassment and discrimination, and some local authorities have prohibited proselytizing and other religious activities by such groups. A 2016 law that imposed fines for the wearing of face-covering garments in public locations was widely understood to be directed against Muslims.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld in practice.

In April 2021 a professor was fired for criticizing a preelection university visit by the prime minister Borisov as politically motivated on social media; he was reinstated following public outcry.

Due to a pervasive lack of access to both the internet and digital devices, Roma students have been disproportionately affected by COVID-19-related online learning requirements. In 2020, the government offered to provide free internet access to Roma communities and local NGOs donated a number of electronic devices to students in need. The education

ministry provided 20,000 computers and tablets to students at state and municipal schools in August 2021.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Freedom of expression is guaranteed by the constitution. However, Bulgaria's criminal code allows for legal secret surveillance of citizens in a wide range of cases; in recent years, there has been increasing concern that authorities have misused such surveillance laws in order to monitor citizens who criticize the government.

In July 2021, then interim interior minister, Boyko Rashkov, testified that the prosecutor's office had conducted illegal mass wiretapping of antigovernment protesters in 2020. His testimony was corroborated in September by leaked police documents that showed that the government had secretly wiretapped around 1,000 people who had participated in the protests.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The authorities generally respect constitutional guarantees of freedom of assembly.

Mass antigovernment demonstrations erupted in July 2020; though state authorities generally respected the right to peaceful protest during the protests, on at least two occasions police used excessive force against participants, prompting criticism in the country and from international organizations. In 2021, it was revealed that the government had ordered the unlawful secret surveillance of roughly 1,000 protesters in 2020.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely and have a degree of influence, though they experience funding shortages, often rely on foreign donors, and sometimes face hostility from politicians and interest groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to join trade unions, which are generally able to operate, but some public employees cannot legally strike. Collective bargaining is legal—collective contracts are listed in a specialized public registry. Trade unions are partners to the government and business in discussing public budgets and other issues (retirement age, pensions reforms, and healthcare reforms, for example), yet their voice and influence is weak.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 3 / 4

Bulgaria's judiciary has benefited from legal and institutional reforms associated with EU membership and is generally considered independent, but is still prone to politicization. Despite significant legislation formally guaranteeing judicial independence, the members and governing bodies of the judiciary often act in accordance with the ruling majority.

A Supreme Judicial Council (SJC), responsible for judicial and prosecutorial appointments and management, was installed under revised rules in 2017, with half the members (six judges, four prosecutors, and an investigator) elected by their peers and half by a two-thirds parliamentary majority. Bulgarian legal observers have reported that in practice, requiring a two-thirds majority vote in parliament to appoint SJC members has allowed

political parties—including minority parties such as DPS—to exert undue influence over the selection and appointment of the country's top magistrates.

Tensions have increased in recent years between the prosecutor general's office and some of the courts, with high-ranking prosecutors verbally attacking the Supreme Court of Cassation (SCC), its court decisions, and its chair. The SJC, taking the side of the prosecutors, has launched disciplinary procedures against judges critical of it, which are widely seen as politically motivated.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Constitutional rights to due process are not always upheld. Police have been accused of misconduct, including arbitrary arrests and failure to inform suspects of their rights. Public trust in the justice system is low due to its reputed vulnerability to political and outside pressure.

The long seven-year mandate granted to the prosecutor general and the lack of effective accountability mechanisms have long been noted as major problems with the prosecutorial office, weakening due process and rule of law in the country. In July 2020, the Constitutional Court ruled that any prosecutor may launch an investigation on the activities of the prosecutor general; however, the prosecutor general's strong position both with regard to career promotion, and within the SJC, does not *de facto* permit such investigations to take place. This leaves the most powerful figure within the judicial system without effective mechanisms of control over their actions.

A series of scandals involving the prosecutorial office, including alleged raids of private businesses, actions suppressing voices critical of the government, as well as a raid of the offices of the Bulgarian president, were among the triggers of the 2020 antigovernment protests.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Although the population faces few acute threats to physical security, police brutality, including abuse of suspects in custody, remains a problem. Overcrowding and violence plague many of Bulgaria's prisons. Organized crime is still a major issue, and scores of suspected contract killings since the 1990s are unsolved. A September 2021 report found that authorities had committed severe civil rights violations against citizens during the 2020 antigovernment protests, including the disproportionate use of force by police.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Ethnic minorities, particularly Roma, face discrimination in employment, health care, education, and housing, though the government and NGOs operate a number of programs meant to improve their social integration. Authorities periodically demolish illegally constructed or irregular housing—mostly in areas occupied by Roma—without providing alternative shelter.

COVID-19-related lockdown measures left many Roma unable to access basic services in 2020 and 2021; the Romany minority was also subject to disproportionately severe pandemic-related restrictions throughout 2020. Human rights watchdogs in the country and abroad raised serious concerns that COVID-19 had exacerbated racism against the Roma in Bulgaria.

Migrants and asylum seekers have reportedly faced various forms of mistreatment by Bulgarian authorities, including beatings and extortion.

Discrimination based on sexual orientation or gender identity is illegal, but societal bias against LGBT+ people persists. Throughout 2021, several LGBT+ events were disrupted, and in October, Rainbow Hub—a well-known LGBT+ organization in Sofia—and its employees were violently attacked by a mob allegedly led by a far-right political figure. Anti-LGBT+ violence is significantly underreported in Bulgaria, and largely goes unaddressed by authorities. However, following the October attack on Rainbow Hub, several politicians and the prosecutor's office announced that they plan to propose legislation that will allow homophobic attacks to be prosecuted as hate crimes.

A gender equality law passed in 2016 was designed to foster equal opportunity for women, but discrimination in employment persists: women are employed less often and paid less than men.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4 (+1)

For the most part, Bulgarians have faced few major restrictions on their freedom of movement. However, the government restricts the ability of asylum seekers to move outside of the district where they are housed.

In 2020, the COVID-19-related state of emergency featured selective blockades of mostly Romany-populated neighborhoods in several towns. These discriminatory restrictions were discontinued in 2021, though the state of emergency was extended through the end of the year.

Corruption and bias can sometimes hamper efforts to change one's place of employment.

Score Change: The score improved from 3 to 4 because disproportionate and discriminatory COVID-19 movement restrictions issued against members of the Romany minority were rescinded during the year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal and regulatory framework is generally supportive of property rights and private business, though property rights are not always respected in practice, and corruption continues to hamper business and investment. The gray economy of undeclared business activity has been estimated at over 20 percent of the country's economy. Attempts at business raiding, including with the suspected assistance of state institutions and the prosecutorial office, are perceived to be on the rise and were among the triggers of the antigraft protests in 2020–21.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The law generally grants equal rights to men and women regarding personal status matters such as marriage and divorce. Domestic violence remains a problem. People who have experienced domestic violence and NGOs addressing gender-based violence claim that state authorities are often ineffective in providing protection and pursuing criminal charges when abuse is reported.

Same-sex marriage is illegal in Bulgaria, and same-sex couples are barred from adopting children.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Labor laws provide basic protections against exploitative working conditions, but they do not extend in practice to gray-market employment. Roma and other ethnic minorities are particularly vulnerable to trafficking for sexual and labor exploitation. Although the government has continued to step up efforts to combat trafficking, shelter victims, and punish perpetrators, these measures have not matched the scale of the problem, and punishments remain light in practice.

Burkina Faso

Population: 21,500,000

Capital: Ouagadougou

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Presidential and legislative elections held in 2015 and 2020 have laid a foundation for the continued development of democratic institutions in Burkina Faso. While civil society and organized labor remain strong forces for democracy, Burkinabè also face continued insecurity and violence from armed militant groups, militia groups, and government forces.

KEY DEVELOPMENTS IN 2021

- The government restricted cellular connectivity for eight days in November as antigovernment protests were held in several cities, including Ouagadougou. Some protests were violent, with acts of vandalism and forceful security responses reported in Ouagadougou.
- Armed groups attacked security forces, militias, and civilians during the year, causing numerous casualties and internal displacement. As many as 160 people were killed in a June attack on the village of Solhan, while at least 53 were killed in a November assault on a military police outpost near Inata. In December, at least 41 militia members were killed in an ambush in Loroum Province.
- In April, a military court indicted former president Blaise Compaoré in absentia for his role in the 1987 assassination of then president Thomas Sankara, who he deposed in a coup. The trial remained unfinished at year's end.

POLITICAL RIGHTS: 23 / 40

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is head of state and is directly elected to no more than two five-year terms. Roch Marc Christian Kaboré of the People's Movement for Progress (MPP) was reelected in November 2020, winning 57.7 percent of the vote in the first round. Insecurity impeded electoral organization in some areas, particularly in the north and east. Islamist militants also threatened violence against voters. Opposition figures initially alleged fraud, but observers considered the election fair; no formal objections were received by the time the results were certified in December.

The prime minister is head of government and is appointed by the president with the approval of the National Assembly. The prime minister recommends a cabinet that is formally

appointed by the president. Lassina Zerbo was named prime minister in December 2021 after President Kaboré dismissed his predecessor, Christophe Dabiré.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The 127 members of the National Assembly are directly elected to five-year terms via proportional representation. The November 2020 legislative elections, held concurrently with the presidential poll, were generally viewed as open and fair, despite ongoing insecurity. Voter turnout was reportedly low in some areas due to insecurity and a lack of polling stations. The MPP won 56 seats while the Congress for Democracy and Progress (CDP) won 20.

Municipal elections held in 2016 showed an erosion of support for CDP in favor of the MPP. Election-related violence prevented polling in some districts. In March 2021, the government delayed local elections to May 2022.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent National Electoral Commission is responsible for organizing elections, and the November 2020 polls were generally well administered. Local observers noted irregularities, such as a lack of ballot papers at some precincts, but reported that these issues did not affect the contests' integrity.

In 2020, the National Assembly adopted a revised electoral code that drew criticism from opposition politicians. Under the code, the president can refer cases of "force majeure or exceptional circumstances" that impede electoral organization to the Constitutional Council. The code allows the validation of results on the basis of polling stations that operate on election day, with the court's agreement. That December, the Constitutional Council annulled votes from 200 polling places due to irregularities.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

The constitution guarantees the right to form political parties, but their ability to participate in political activity is sometimes restricted by the government. The government authorized 146 political groups to participate in the November 2020 elections.

Major parties, such as the MPP, CDP, and Union for Progress and Change, have extensive patronage networks and disproportionate access to media coverage, making it difficult for other parties to build support. Presidential candidates must also provide a 25 million CFA franc (\$45,300) deposit.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The end of former president Compaoré's 27-year regime in 2014 gave way to a freer environment in which opposition parties can consolidate popular support and gain power through elections. However, a history of rotation of power between parties has not been firmly established.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The Burkinabè military maintains a significant presence in politics, and the history of military intervention poses a threat to democratic stability. In 2015, the presidential guard, which was loyal to Compaoré, attempted to stage a coup but failed after the army's chief of staff moved to support the transitional government.

In parts of the country, armed militant groups target local leaders for assassination and abduction, prompting some to relocate outside their area of political responsibility.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution enshrines full political rights and electoral opportunities for all segments of the population. However, a small educated elite, the military, and labor unions have historically dominated political life.

Women are underrepresented in political leadership positions. In 2020, the National Assembly adopted a 30 percent gender quota for party lists and introduced an alternating system meant to improve the position of female candidates on those lists. As of July 2021, however, women occupied only 16 parliamentary seats.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Laws are promulgated and debated by the National Assembly. While democratic institutions continue to develop, they cannot withstand the influence of the military and other elite groups. Attacks by Islamic militants severely impede the government's ability to implement its policies in the north and east.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption is widespread, particularly among customs officials and municipal police. Anticorruption laws and bodies are generally ineffective, though local nongovernmental organizations (NGOs) provide some accountability by publicizing official corruption and its effects.

C3. Does the government operate with openness and transparency? 2 / 4

The successful 2015 elections and installation of a civilian government signified a marked improvement in government accountability and transparency. However, government procurement processes are opaque, and procedures meant to increase transparency are often not followed. Government officials are required to make financial disclosures, but the information is rarely made public, and penalties for noncompliance do not appear to be enforced. In September 2021, the government launched a new online platform to facilitate the declaration of assets by public officials.

CIVIL LIBERTIES: 30 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16

D1. Are there free and independent media? 2 / 4

The media environment has improved in the post-Compaoré era. Since then, defamation has been decriminalized, reporters at the public broadcaster have experienced less political interference, and private outlets operate with relative freedom. However, a 2019 penal-code revision made disseminating information about terrorist attacks and security activity, along with the "demoralization" of defense and security forces, criminal offenses punishable by prison terms of up to 10 years.

In May 2021, the government tightened media access to camps housing internally displaced persons (IDPs), citing journalists' safety and the "dignity" of residents. In June, the Higher Council for Communication suspended a local outlet's broadcasts for five days after it allegedly broadcast incorrect information regarding an attack on Solhan.

Journalists also face heightened risks due to militant attacks. In April 2021, three foreign journalists producing a documentary on poaching were abducted and killed.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Burkina Faso is a secular state, and freedom of religion is generally respected. The population is predominately Muslim with a large Christian minority. Followers of both religions often engage in syncretic practices. However, religious activity is affected by ongoing insecurity. In May 2021, 15 individuals attending a baptism in the village of Adjarara were killed by a group of unidentified assailants.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is unrestricted, though due to the former regime's repressive tactics against student-led protests, a legacy of tension between the government and academic organizations persists. In May 2021, students at secondary schools violently demonstrated to protest planned reforms to national exams; one student at an Ouagadougou school died during the protests. The government subsequently announced that school's indefinite closure, citing damage sustained during the protests, though the school's teachers called the closure a political decision.

Islamic militant groups in the north and east regularly threaten schools and teachers, resulting in the closure of numerous institutions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is unrestricted in much of the country. However, attacks and intimidation by Islamic militants in the north and east, an increased security presence in response to their activities, and 2019 penal-code revisions have dissuaded people from discussing local news, politics, and other sensitive topics. In some areas, Burkinabè fear surveillance from the informers of Islamic militants, who may attack communities who speak out against them.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (-1)

E1. Is there freedom of assembly? 2 / 4 (-1)

Freedom of assembly is constitutionally guaranteed and is sometimes upheld in practice. In July 2021, for example, thousands of protesters freely marched in several cities to express their frustration with ongoing insecurity. In October, however, Burkinabè authorities deported a prominent activist who was planning to attend a protest against French military activity in the Sahel. Authorities in the town of Bobo Dioulasso refused to grant a permit for that demonstration, citing security concerns.

On November 19, protesters angered by ongoing militant violence blocked a road leading to Niger, impeding a French military convoy traveling there. Burkinabè security officers and French soldiers fired warning shots at protesters on November 20; at least four protesters were injured. The government restricted cellular services later that day, citing security concerns, and lifted connectivity restrictions on November 28.

The block coincided with protests that were held in several areas, including Ouagadougou; participants called for President Kaboré's resignation and criticized the government's handling of the security situation. Some protests, including a November 27 event in Ouagadougou, were violent. Protesters in the capital engaged in vandalism while authorities used tear gas. Several organizers were subsequently arrested in the following days, facing charges like endangering state security and destruction of public property.

In June 2021, government extended a state of emergency across 14 provinces in 6 regions. The state of emergency, which will remain in force through July 2022, allows the government to restrict the freedom of assembly.

Score Change: The score declined from 3 to 2 because the government extended a state of emergency, which allows authorities to restrict assemblies, in June and because authorities blocked internet access as protests were held in November.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

While many NGOs operate openly and freely, human rights groups have reported abuses by security forces in the past. NGOs face harassment in carrying out their work and NGO leaders argue that some legal provisions, including vaguely worded terrorism laws, can be misused to silence human rights defenders. NGO members and activists also risk punishment under the 2019 penal-code revisions. In August 2021, civil society leader Pascal Zaida was arrested for endangering state security after he criticized the government's response to militant attacks at a press conference. Zaida was subsequently released without charge three days later.

NGO workers also face the risk of violence; in 2019, two Democratic Youth Organization (ODJ) activists were killed while traveling to meet a government official in Yagha Province. In May 2021, the ODJ denounced the government over its handling of the case, noting that autopsies had not been performed.

In September 2021, the government suspended the activities of the Norwegian Refugee Council after it criticized the government's slow IDP enrollment efforts. The organization was permitted to resume its activities in October.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The constitution guarantees the right to strike. Unions frequently and freely engage in strikes and collective bargaining, and coordinate with civil society to organize demonstrations on social issues. However, the government has used legal means to suppress union activity, including the denial of permits for planned demonstrations.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is formally independent but has historically been subject to executive influence and corruption.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due-process guarantees are undermined by corruption and the inefficacy of the judiciary and police force. The judicial system is also affected by ongoing insecurity, which has caused the closure of some courts and has limited access to judicial services.

The Burkinabè government organized and completed its first criminal trials for terrorism offenses in August 2021. However, the terrorism court is underresourced, resulting in long pretrial detentions and slow investigations.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The security environment is affected by Islamic militant groups, bandits, and militias. Traditional leaders, government officials, lawmakers, and civilians are regularly targeted for kidnapping or assassination by militants. Militants target government institutions, like health clinics and schools, restricting access to government services. Children are increasingly being recruited by militants and engage in armed activity. Ongoing violence has prompted significant internal displacement; in December 2021, the UN Children's Fund (UNICEF) reported that nearly 1.6 million Burkinabè were internally displaced.

Government forces and state-allied militias like the Volunteers for the Defense of the Homeland (VDP) commit extrajudicial violence. Militants, militias, and government forces are believed to orchestrate forced disappearances.

Security forces, militias, and civilians faced armed attacks during 2021, causing numerous casualties. In June, armed attackers, most of them children, targeted the village of Solhan, killing as many as 160 people and prompting a wave of internal displacement. In November, at least 53 were killed when armed assailants attacked a military police post near Inata. In December, at least 41 VDP personnel were killed in an ambush in Loroum Province.

Allegations of torture and abuse of suspects in custody by police are common, and prison conditions are poor. Security forces have been accused of forcibly detaining and abusing civilians.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

While the constitution outlaws all forms of discrimination, prejudice occurs in practice. Members of the Fulani ethnic group have expressed dissatisfaction over government neglect, discrimination, and abuse, particularly at the hands of security forces and militias.

LGBT+ people, as well as those living with HIV, routinely experience discrimination, including difficulty accessing health services. While illegal, gender discrimination remains common in employment and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Due to insecurity, the government has established heavily guarded checkpoints on roads and has instituted curfews and states of emergency in some provinces. Travelers are sometimes subjected to bribery or harassment by security forces at checkpoints. Rural villages in the commune of Madjoari were blockaded by militants during part of 2021. As of May, more than 2,200 schools were closed due to insecurity, affecting over 300,000 students.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

In recent years, the government has implemented reforms to reduce the amount of capital necessary to start a business, facilitating the ability to obtain credit information, and improving the insolvency resolution process. However, the business environment is hampered by corruption.

Insurgents regularly interfered with commercial activities in 2021, including by stealing livestock, imposing taxes, and interrupting mining operations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women face discrimination in cases involving family rights and inheritance. Early marriage remains an issue, especially in the north. The practice of female genital mutilation (FGM) is less common than in the past, but still occurs. Domestic violence remains a problem despite government efforts to combat it. In 2021, female IDPs reported victimization by community leaders who controlled food-aid distribution in exchange for sex.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Burkina Faso is a source, transit, and destination country for human trafficking. Child labor is prominent in the mining sector, with 20,000 children working in gold mines. Children are also recruited by militant groups. Women from neighboring countries are recruited by traffickers and transported to Burkina Faso, where they are forced into prostitution.

According to the US State Department's *Trafficking in Persons Report 2021*, the Burkinabè government did not prosecute suspected traffickers and provided insufficient support and shelter for trafficking survivors during its reporting period.

Burundi

Population: 12,200,000

Capital: Gitega

Freedom Status: Not Free

Electoral Democracy: No

Overview: Burundi has been in political and economic crisis since 2015. Democratic gains made after the 12-year civil war ended in 2005 have been undone by a shift toward authoritarian politics and violent repression against anyone perceived to oppose the ruling party, the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD).

KEY DEVELOPMENTS IN 2021

- In March, President Évariste Ndayishimiye pardoned over 5,200 prisoners via decree, citing overcrowding. However, the UN Commission of Inquiry (CoI) on Burundi reported that only 2,600 pardoned prisoners were released by July, and that some were later rearrested or kidnapped.
 - In June, the European Union (EU) announced its intention to lift sanctions against Burundi, though that process was not completed by year's end.
 - The government lifted bans on some media outlets during the year. Bans on RSF Bonesha FM and the Ikiraho media outlet were lifted in February and June respectively. However, bans on the British Broadcasting Corporation (BBC) and Voice of America (VOA) remained in effect at year's end.
 - Burundians faced several security incidents in September. The government blamed terrorists for grenade attacks in the cities of Bujumbura and Gitega, while a rebel group claimed responsibility for a mortar attack against Bujumbura's airport. At least five people died in the Bujumbura grenade attack, while another two died in Gitega.
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POLITICAL RIGHTS: 4 / 40**A. ELECTORAL PROCESS: 1 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4**

Burundi adopted a new constitution in 2005 after a series of agreements ended the country's 12-year civil war. The constitution was amended in 2018 through a referendum. Among other provisions, the amended constitution lengthened presidential terms from five years to seven, consolidating the rule of then president Pierre Nkurunziza—who had served three terms—and the CNDD-FDD.

In January 2020, CNDD-FDD insiders selected Évariste Ndayishimiye, a former army general and interior minister, as the party's candidate to succeed Nkurunziza for that May's election. Ndayishimiye won 71.5 percent of the vote, while Agathon Rwaso of the National Congress for Liberty (CNL) received 25.2 percent. Gaston Sindimwo of the Union for National Progress (UPRONA) received 1.7 percent, while others received 1.6 percent.

The contest was marred by a wide-ranging campaign of repression, which the UN CoI said included the intelligence services, police, and the Imbonerakure, the ruling party's youth wing. However, violence and repression were less prevalent during the 2020 electoral period when compared to 2015. Relatively few COVID-19 mitigation measures were enforced during the 2020 campaign, with the CNDD-FDD encouraging large election rallies. Several days before election day, the government expelled World Health Organization (WHO) officials who voiced concern over the campaigning. International observers were also barred. The CNL claimed that the results were fraudulent, though the Constitutional Court upheld them in June. Nkurunziza died days after the election, with Ndayishimiye consequently succeeding him that month, ahead of schedule.

The president appoints a vice president, who must be approved separately by a two-thirds majority in both houses of Parliament. The 2018 constitutional amendments reintroduced the position of prime minister. In late June 2020, Prosper Bazombanza was named vice president, while former public security minister Alain-Guillaume Bunyoni was named prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Parliament's lower house, the National Assembly, includes 100 members who are directly elected via proportional representation along with 23 "co-opted" members to ensure that members of the Hutu ethnic group hold 60 percent of the house while Tutsis hold 40 percent. Members serve five-year terms. The upper house, the Senate, consists of 39 members, 36 of whom are chosen by locally elected officials for five-year terms. Three seats are reserved for the Twa ethnic group.

National Assembly elections took place concurrently with the May 2020 presidential elections, amid the COVID-19 pandemic and a campaign to repress opposition groups. The CNDD-FDD secured 86 seats, while the CNL secured 32 and UPRONA secured 2. The Twa received 3 seats via co-option.

Senators were indirectly elected in July 2020; the CNDD-FDD received 34 seats, while the CNL and UPRONA each received 1. Twa members held 3 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The five-member Independent National Electoral Commission is under the effective control of the ruling CNDD-FDD. In 2015, two members who fled the country amid that

year's unrest were replaced with pro-Nkurunziza appointees approved by a CNDD-FDD-controlled Parliament. Constitutional amendments extending presidential term limits, consolidating power in the executive, and allowing for a future revision of the Burundian ethnic power-sharing system were approved in a 2018 referendum that was marred by a violent intimidation campaign conducted by the CNDD-FDD.

CNL presidential candidate Rwasa challenged the conduct of the 2020 presidential election, alleging incidents of ballot-box stuffing, falsified election reports, and votes counted from deceased or exiled citizens. The Constitutional Court rejected that challenge that June.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Political party formation is legally allowed, but the activities of opposition parties and political leaders are discouraged under the threat of retaliatory violence, repression, or arrest. Individuals are also intimidated into joining the CNDD-FDD.

The UN CoI's August 2021 report to the UN Human Rights Council noted that authorities continued to arbitrarily arrest and disappear opposition party members. The report also noted that CNL offices were targeted by opponents and that CNL members face difficulties in holding meetings. In July, Elie Ngomirakiza, a CNL leader in Mutimbuzi commune, was reportedly kidnapped by soldiers. Ngomirakiza's whereabouts remained unknown as of September.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The opposition has little realistic opportunity to increase its popular support through elections. Opposition parties, politicians, and their supporters face harassment, intimidation, and assassination. Many are forced to operate in exile.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The Imbonerakure, National Intelligence Service (SNR), and police are allies of the CNDD-FDD and use violence and intimidation to influence people's political choices.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The 2005 constitution requires power-sharing between Hutus and Tutsis in Parliament, and additionally stipulates that women and Twa representatives be seated in both houses. However, the constitutional revisions approved in 2018 require that these ethnic quotas be reviewed over the next five years, opening the door for their elimination.

In June 2020, President Ndayishimiye appointed Imelde Sabushimike as human rights minister; Sabushimike is the country's first Twa cabinet minister.

Women face social pressure that can deter active political participation, and few women hold political office at senior levels. A 2020 UN CoI report noted that women face state-sanctioned violence for perceived or actual opposition to the CNDD-FDD.

The CNDD-FDD apparatus has violently targeted returning refugees on suspicion of opposition sympathies, along with individuals suspected of ties to Burundian rebels operating in the Democratic Republic of Congo.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The ruling CNDD-FDD, whose election to power fell far short of standards for free and fair elections, controls policy development and implementation.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant in Burundi. Corrupt officials generally enjoy impunity, even when wrongdoing is exposed by nongovernmental organizations (NGOs) and other actors. Anticorruption organizations are underresourced and ineffective.

Though President Ndayishimiye has vowed to address corruption, his actions in office have been contradictory. The Ndayishimiye administration dismissed over 120 government employees for embezzlement between February and May 2021, though none of them faced prosecution. In May, the president dismissed Commerce Minister Immaculée Ndabaneze after over suspicions of embezzlement. Ndayishimiye also reorganized Burundian anticorruption bodies since taking office, abolishing an anticorruption court and an anticorruption brigade and placing their functions within existing offices. In September 2021, the UN CoI criticized Ndayishimiye's declaration that civil servants can accept bribes to "contribute to the development of the country."

C3. Does the government operate with openness and transparency? 0 / 4

Government operations are opaque, and government officials are generally unaccountable to voters. There are few opportunities for civil society actors and others to participate in policymaking. Due to recurrent assassinations and assassination attempts, politicians are wary of organizing town hall-style meetings or making other public appearances before voters.

The government was not transparent during the COVID-19 pandemic, with authorities providing little scientific information.

CIVIL LIBERTIES: 10 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16****D1. Are there free and independent media? 0 / 4**

Freedom of expression is constitutionally guaranteed but severely restricted in practice by draconian press laws and a dangerous operating environment for media workers, who risk threats, harassment, and arrest in response to their coverage. A 2013 media law limits the protection of journalistic sources, requires journalists to meet certain educational and professional standards, and bans content related to national defense, security, public safety, and the state currency. The government dominates the media through its ownership of the public television broadcaster, radio stations, and newspaper *Le Renouveau*. Key independent news outlets destroyed in the political violence of 2015 have yet to be reestablished.

The government has banned media outlets, though some bans were lifted in 2021. In February, the Burundian media regulator began talks to restore domestic access to the Iwacu outlet, though accessibility was not restored as of mid-2021. The regulator lifted the ban on RSF Bonesha FM in February and lifted bans on Ikirihoo and the BBC in June. However, Human Rights Watch (HRW) reported that access to BBC content was still restricted at year's end. The potential end to the ban on VOA was conditioned on the surrender of a VOA-affiliated journalist, which the outlet did not comply with.

Many journalists have fled the country since 2015, and some have been forcibly disappeared. In February 2021, the Supreme Court published a 2020 decision to issue life sentences against seven exiled journalists for their alleged involvement in the events of 2015.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally observed. However, relations between the government and the Roman Catholic Church, of which most Burundians are members, have worsened in recent years. In 2017, the government set up a commission to monitor religious groups and guard against political subversion within them. In 2019, the UN CoI reported that the government was exerting more control over churches to curb political dissent.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Both university students and staff who support the CNDD-FDD receive preferential treatment at academic institutions. Continued intimidation of opposition supporters has created an atmosphere of fear and limited free speech on university campuses. Reports indicate that teachers allied to the CNDD-FDD have intimidated students who are considered unsupportive, in some cases preventing them from attending school. Teachers are increasingly screened for political loyalty to the ruling party.

Some schools barred students of voting age who had not made monetary contributions to the 2020 elections from attending class, though the practice was prohibited in 2019.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

The SNR and the Imbonerakure actively surveil private citizens. There is a reluctance to engage in speech which could be perceived as critical of the CNDD-FDD for fear of reprisal. The Imbonerakure used surveillance and harassment tactics in the run-up to the 2018 referendum, such as ensuring citizens paid election taxes and attacking those who had not, while assaulting individuals expressing opposition to the ruling party. Social media and messaging applications were notably blocked on election day in 2020.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

Opposition or antigovernment meetings and rallies are usually prevented or dispersed, and participants face harassment or arrest. Many people who participated in the 2015 protests against late president Nkurunziza fled Burundi amid a subsequent crackdown.

In August 2021, the UN CoI noted that the strictest restrictions on assembly were effectively loosened after the 2020 elections, as the CNL was perceived as a less acute threat to the CNDD-FDD.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

NGOs in Burundi face restrictive registration laws and persecution for activity seen as hostile to the government. A number of human rights and other groups perceived as antigovernment were banned during the 2018 referendum and the 2020 elections, and many of their members have fled the country. A May 2021 HRW report noted that NGO workers avoided open criticism of the government.

Human rights advocates can face arrest and imprisonment. In 2018, antitorture and antipoverty advocate Germain Rukuki was sentenced to 32 years' imprisonment on charges including rebellion. An appeals court reduced Rukuki's sentence to 1 year in June 2021, and Rukuki was released by July.

In April 2021, the government reversed its ban on *Words and Actions for the Awakening of Consciences and the Evolution of Mentalities*, an anticorruption NGO.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The constitution provides protections for organized labor, and the labor code guarantees the right to strike. However, it is unlikely that union members would feel free to exercise legally guaranteed collective bargaining rights in the current political climate.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is hindered by corruption and a lack of resources and training. The judiciary is generally subservient to the executive, which regularly interferes in the criminal justice system to protect CNDD-FDD and Imbonerakure members and persecute the political opposition.

In 2020, the Constitutional Court partially checked the CNDD-FDD's power by upholding a challenge to the disqualification of an opposition parliamentary candidate. However, it did not entertain a challenge over the conduct of the presidential election, despite evidence of widespread fraud and intimidation. The UN CoI criticized the judiciary's performance in its August 2021 report, citing corruption and the CNDD-FDD's continued interference. The UN CoI also reported that Germain Rukuki's appeal was affected by executive interference, noting that the reduction in his sentence was not promulgated until after the EU announced its intention to lift sanctions against Burundi.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The courts, police, and security forces do not operate independently or professionally, and constitutional guarantees of due process are generally not upheld. Arbitrary arrest and lengthy pretrial detention are common. The World Prison Brief (WPB) reported that 54.6 percent of all prisoners were pretrial detainees as of December 2021.

Defendants must provide their own legal representation, making trial rights dependent on the ability to afford a lawyer. Some detainees accused of participating in the 2015 protests or subsequent antigovernment violence did not have access to lawyers and were forced to make false confessions under threat of death.

The Burundian prison system is overcrowded, with the WPB reporting the prison population at 303 percent of capacity as of December 2021. Prisoners risked contracting COVID-19, with healthcare workers reporting that quarantine measures were insufficiently enforced within the prison system in 2020. In March 2021, President Ndayishimiye pardoned over 5,200 prisoners via decree, citing overcrowding. However, only 2,600 individuals were released by July according to the UN CoI, which noted that some were subsequently rearrested or kidnapped.

In 2017, the International Criminal Court (ICC) opened an investigation into alleged crimes against humanity committed by the government. Burundi left the ICC days later, becoming the first country in the world to do so.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The security situation in Burundi remains extremely poor. The August 2021 UN CoI report notes that widespread human rights violations persist; violations include forced disappearance, execution, torture, and arbitrary arrest and detention. The report identified the SNR as the principal perpetrator, though it also noted the involvement of the Imbonerakure and police. A 2018 BBC investigative report found that the government operated at least 22 secret facilities where dissidents were reportedly tortured and killed. The government called the report “fake” and threatened to sue the BBC.

According to the Office of the UN High Commissioner for Refugees, 265,000 Burundian refugees resided domestically or in nearby countries as of December 2021, including 140,000 returnees from Tanzania and another 125,000 still residing there.

Several security incidents were reported in 2021. In May, at least 12 people were killed when vehicles traveling in central Burundi were ambushed in an apparent robbery attempt. Another 18 died when a convoy in central Burundi was attacked by unidentified armed assailants in June. Grenade attacks were reported in Bujumbura and Gitega in September, which the government blamed on terrorists. Five people were killed in Bujumbura, while another two were killed in Gitega. Also in September, a rebel group launched a mortar attack against Bujumbura’s airport but did not significantly damage it.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Despite quotas for representation in the National Assembly, the Twa population remains marginalized relative to the Hutu and Tutsi ethnic groups. People living with albinism face systematic discrimination and violence. LGBT+ people also experience official and societal discrimination. The 2009 penal code criminalizes same-sex sexual activity, and punishments include up to two years in prison.

Discrimination against women is common in access to education, healthcare, and employment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Since 2015, concerns for personal safety have restricted free movement, particularly in neighborhoods regarded as opposition strongholds and where security forces frequently conduct search operations. In 2020, the UN CoI reported that the Imbonerakure maintained a checkpoint system to control population movement, despite official instructions for the organization to refrain from such activity. Some local authorities have imposed curfews on women and girls.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Land conflict has been an explosive issue in Burundi for decades, which was exacerbated by the return of displaced populations after the end of the civil war in 2005. Many returnees found new owners occupying their land, and the courts have often failed to fairly adjudicate land disputes. Some refugees who fled in 2015 reportedly returned to find their land occupied.

Due to customary law, women are typically unable to inherit property. The deteriorating security situation hampers private business activity in Burundi, as does rampant corruption.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. Rights monitors continue to report sexual violence carried out by security forces and the Imbonerakure, who act with impunity. Women are often targeted for rape if they or their spouses refuse to join the CNDD-FDD. Men sometimes experience sexual abuse while in government custody.

According to the citizenship code, a Burundian woman married to a foreign national cannot pass on her citizenship to her husband or children.

The constitution explicitly bans same-sex marriage.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Individuals not allied with the ruling party may lose their employment. Community service requirements have taken on political overtones, such as building offices for the CNDD-FDD, amounting to what a 2019 UN report called forced labor.

Women have limited opportunities for advancement in the workplace. Much of the population is impoverished. In 2017, “vagrancy” and begging by able-bodied persons became formal offenses under the penal code. The ongoing political and humanitarian crisis has contributed to an economic decline, less access to basic services, and deteriorating living conditions.

Human trafficking continues to be a serious issue in Burundi, with the International Organization on Migration counting over 1,000 trafficking victims between 2017 and July 2021. Burundian government employees are reportedly complicit in trafficking girls. In February 2021, the Burundian and Kenyan governments collaborated to secure the extradition of a Burundian official accused of involvement in trafficking.

Cabo Verde

Population: 600,000

Capital: Praia

Freedom Status: Free

Electoral Democracy: Yes

Overview: Cabo Verde is a stable democracy with competitive elections and periodic transfers of power between rival parties. Civil liberties are generally protected, but access to justice is impaired by an overburdened court system, and crime remains a concern. Other outstanding problems include persistent inequities for women and migrant workers.

KEY DEVELOPMENTS IN 2021

- The ruling Movement for Democracy (MpD) won the April parliamentary elections. Prime Minister Ulisses Correia e Silva remained in office after the polls.
 - In October, José Maria Neves of the African Party for the Independence of Cabo Verde (PAICV) was elected president. He took office in November.
 - According to the World Health Organization (WHO), 40,700 people tested positive and 352 people died from COVID-19 during the year.
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POLITICAL RIGHTS: 38 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is directly elected for up to two consecutive five-year terms. The prime minister, who holds most executive authority, is formally appointed by the president but is nominated by and accountable to the National Assembly.

Ulisses Correia e Silva became prime minister in 2016 and remained in that post after the MpD won the April 2021 parliamentary elections. In October, José Maria Neves of the PAICV was elected president with 51.7 percent of the vote, defeating MpD candidate Carlos Veiga. Neves, who succeeded term-limited incumbent Jorge Carlos Fonseca, took office in November. Observers assessed both elections as largely free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 72-seat National Assembly are directly elected in multimember constituencies to serve five-year terms. In the April 2021 elections, the ruling MpD won 38 seats, the PAICV won 30, and the Democratic and Independent Cabo Verdean Union took 4. People infected with COVID-19 were advised against casting a ballot.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework provides for fair and competitive elections. The National Elections Commission (CNE), whose members are elected by a two-thirds majority in the National Assembly, is generally considered impartial. African Union observers lauded the CNE's performance in its report on the October 2021 presidential election.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

There are no significant impediments to the formation and competition of political parties. A number of different parties are active, though only the PAICV and the MpD have held power at the national level. Groups of independent citizens have an active role in political life, participating in elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The opposition has a realistic opportunity to gain power through elections. There have been three democratic transfers of power between the PAICV and the MpD since independence in 1975, the most recent in 2016.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The political choices of voters and candidates are free from undue external influence. However, the functioning of public agencies is reportedly affected by partisanship.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women have full and equal political rights and are increasingly involved in politics. Nevertheless, social constraints have somewhat impaired their participation, with women currently holding 9 of the cabinet's 28 seats. The 40 percent gender quota for candidates required by the 2019 Gender Parity Law is often unmet, though women held 38.9 percent of the National Assembly's seats as of May 2021.

C. FUNCTIONING OF GOVERNMENT: 10 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The prime minister and cabinet determine the policies of the government, under the supervision of the National Assembly and the president. The government is able to implement laws and policies without undue interference from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Cabo Verde has relatively low levels of corruption overall, but bribery and nepotism are problems at the municipal level. Allegations of clientelism and graft continue to surround costly infrastructure projects and other spending measures, public procurements, public companies, and management of public lands.

C3. Does the government operate with openness and transparency? 3 / 4

The current government has taken numerous steps to improve transparency, including by publishing more information about state operations and finances online; it generally adheres to legal guarantees of public access to information. However, many officeholders fail to comply with rules requiring them to declare their personal assets and income. The government continued to communicate factual information about COVID-19.

CIVIL LIBERTIES: 54 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Press freedom is guaranteed by law and generally respected in practice, though Article 105 of the electoral code prohibits media organizations from disseminating opinions on or criticism of parties and candidates after a certain date during a campaign period. The publicly owned Radio and Television of Cabo Verde (RTC) respected the right of all candidates to free airtime during the 2021 legislative election campaign period.

Publicly and privately owned media outlets are largely free of government control. However, precarious finances at many outlets can undermine journalists' job security and their ability to undertake investigative reporting projects. A lack of funding has contributed to the closure of several privately owned newspapers, decreasing the diversity of information in the print sector.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution establishes the separation of church and state, though the Roman Catholic Church receives some privileges, such as the recognition of Catholic marriages under civil law. While all religious groups are required to register with the Justice Ministry to obtain tax and other benefits, the process is not restrictive, and there are no limitations on freedom of worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected, and the educational system is not affected by political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on individuals' freedom of expression. The government is not known to engage in online surveillance or improper monitoring of personal communications. Social media is widely used to express private and political opinions.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is legally guaranteed and observed in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Numerous nongovernmental organizations (NGOs) operate freely in the country, focusing on a variety of social, economic, environmental, and cultural issues. International human rights institutions, local organizations, and journalists are able to monitor prison conditions and other human rights indicators without government interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The constitution protects the right to unionize, and workers may form and join unions in practice. However, the government restricts the right to strike in broadly defined essential industries, and formal collective bargaining is reportedly uncommon in the private sector. Workers in the public and private sectors held strikes in 2021.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent, though the courts are overburdened, understaffed, and underfunded. During the 2020–21 judicial year, the courts continued to improve their performance, though many cases remained unresolved. Under changes to the penal and criminal codes that took effect in July 2021, some criminal allegations can be adjudicated in abbreviated proceedings.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Police and prosecutors generally observe legal safeguards against arbitrary arrest and detention. Defense attorneys are provided to indigent defendants. However, due to the limited capacity of the court system, there are often delays in detainees' first hearings before a judge, and many cases are dropped because defendants in detention are denied a timely trial.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Law enforcement officials are sometimes accused of excessive force, but perpetrators are often investigated and punished by oversight bodies. In June 2021, the president of the PAICV's youth wing criticized the physical mistreatment of soldiers after a video depicting such behavior was disseminated online.

Cabo Verde is generally free of major crime or unrest. Nevertheless, violent crime does occur, and street crime, smuggling, and drug trafficking are perceived as consistent problems. The National Police reported that crime fell by 57.2 percent between 2016 and 2020, though figures for 2021 showed a 33 percent year-over-year increase. In September 2021, Justice Minister Joana Rosa reported a recidivism rate of over 30 percent.

The government sought to increase the capacity of law enforcement during 2021. In February, the National Police opened a criminal investigation directorate. In August, Rosa announced the creation of a data collection agency under the Judicial Police. In September, Prime Minister Silva announced that the government would restructure its security apparatus to address crime.

In 2017, the government permitted Chinese technology firm Huawei to install surveillance cameras in Praia and three other cities as part of its Safe City project. While observers voiced privacy concerns, the government has maintained its support for the program. In 2021, the government installed 66 surveillance cameras in Boa Vista.

Prison conditions are poor and often overcrowded, but the government has been working to improve conditions, which includes changes in legislation, the implementation of a social reintegration program for prisoners, and the construction of more cells and bathrooms. In April 2021, 15 prisoners started a hunger strike in São Vicente over their treatment.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Gender discrimination is prohibited by law, but wage discrimination and unequal access to education persist for women. In November 2021, the government authorized a 2021–25 gender equality plan.

No comprehensive antidiscrimination legislation exists for the entire population. Immigrants often face discriminatory treatment in accessing papers and employment. In December 2021, the cabinet approved a draft bill on nationality that would effectively “extend the scope of nationality or origin.” That bill awaited parliamentary approval at year’s end.

Same-sex relations are not criminalized, and the law protects against employment discrimination based on sexual orientation. However, LGBT+ people are reportedly subject to such discrimination along with physical violence and verbal abuse.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individual freedom of movement is recognized by law, and there are no significant restrictions in practice. People may freely change their place of employment or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are generally respected. The legal framework and government policies are supportive of private business activity, though obstacles such as corruption and legal and bureaucratic inefficiency remain a concern. Small and medium-size businesses are one of the main sources of income for families whose members are not directly employed in the public services.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally protected, including in matters of marriage and family law. Authorities enforce laws against rape, domestic abuse, femicide, and sexual abuse of minors, but such violence remains a serious problem, and insufficient public resources are dedicated to supporting and protecting victims. During the 2020–21 judicial year, 34 percent of reported sex crimes were committed against children. Over 900 cases of gender-based violence (GBV) were reported in the first half of 2021. In July, the government established a support fund for GBV survivors. In August, it approved a 2021–23 action plan to address sexual violence against minors. In November, the government reopened facilities in Santiago Norte and Santo Antão to protect at-risk children.

Same-sex marriages are not recognized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law prohibits forced labor and other exploitative practices, and the government actively enforces such safeguards in the formal sector. However, a high percent of the Cabo Verdean workforce continues to work informally.

Immigrant workers who lack employment contracts remain vulnerable to abuses, and children are reportedly exposed to sex trafficking and illegal work in agriculture or domestic service. In September 2021, the government issued an antitrafficking procedural handbook.

Cambodia

Population: 16,500,000

Capital: Phnom Penh

Freedom Status: Not Free

Electoral Democracy: No

Overview: Cambodia’s political system has been dominated by Prime Minister Hun Sen and the Cambodian People’s Party (CPP) for more than three decades. While the country conducted semicompetitive elections in the past, the 2018 elections were held in a severely repressive environment. Since then, Hun Sen’s government has maintained pressure on opposition party members, independent press outlets, and demonstrators with intimidation, politically motivated prosecutions, and violence.

KEY DEVELOPMENTS IN 2021

- Khieu Samphan, the former head of state of the Khmer Rouge, appeared before the Extraordinary Chambers in the Courts of Cambodia (ECCC) in August to appeal his 2018 conviction for genocide. In December, the tribunal dropped charges against Meas Muth, a lower-level official in the Khmer Rouge, citing insufficient evidence and the “absence of a definitive and enforceable indictment.”
 - Prime Minister Hun Sen’s government continued to subject members of the opposition—including political figures and a broad range of human rights activists—to harassment, intimidation, and arrests throughout the year.
 - Restrictive legislation introduced in March allows the government to “ban or restrict any gathering or demonstration” in order to prevent the spread of COVID-19. International human rights groups have condemned the law, saying it places undue restrictions on Cambodians’ fundamental rights, including the freedom of movement and the right to peaceful assembly.
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POLITICAL RIGHTS: 5 / 40**A. ELECTORAL PROCESS: 1 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

King Norodom Sihamoni is chief of state, but has little political power. The prime minister is head of government, and is appointed by the monarch from among the majority coalition or party in parliament following legislative elections. Hun Sen first became prime minister in 1985. He was nominated most recently after 2018 National Assembly polls, which offered voters no meaningful choice. Most international observation groups were not present due to the highly restrictive nature of the contest.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The bicameral parliament consists of the 62-seat Senate and the 125-seat National Assembly. Members of parliament and local councilors indirectly elect 58 senators, and the king and National Assembly each appoint 2. Senators serve six-year terms, while National Assembly members are directly elected to five-year terms.

In 2018, the CPP won every seat in both chambers in elections that were considered neither free nor fair by established international observers, and prompted condemnation from many democracies. In the lead-up to the vote, the Supreme Court banned the main opposition party, the Cambodia National Rescue Party (CNRP); many of its members were jailed, and numerous media outlets were closed. Several small, obscure new “opposition parties” ran candidates in the lower-house elections, though many of these were believed to have been manufactured by government allies to suggest multiparty competition.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

In 2015, Cambodia passed two new election laws that permit security forces to take part in campaigns, punish parties that boycott parliament, and mandate a shorter campaign period of 21 days. The laws have been broadly enforced.

Voting is tied to a citizen’s permanent-resident status in a village, township, or urban district, and this status cannot be changed easily.

The CPP has complete control over the nine seats of the National Election Committee (NEC). In 2018, the NEC sought to aid the CPP’s campaign by threatening to prosecute any figures that urged an election boycott, and informing voters that criticism of the CPP was prohibited.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

Following the 2018 elections, Cambodia is a de facto one-party state. The main opposition CNRP was banned and its leaders have been charged with crimes, while other prominent party figures have fled the country. Although several small opposition parties contested the 2018 lower-house elections, none won seats. All the smaller parties were permitted to run by the CPP-controlled NEC, and both domestic and international observers questioned their authenticity. In late 2021, prominent opposition leader Sam Rainsy’s popular Candlelight Party—which had merged with Kem Sokha’s Human Rights Party to form the CNRP

in 2012—resumed independent operations. The party quickly gained wide support among opposition groups and CNRP supporters.

Members of the political opposition, including CNRP members and supporters and a broad range of other political activists, were subject to harassment and arrests throughout 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The political opposition has been quashed through an ongoing government campaign of harassment, arrests, and convictions of opposition figures, supporters, and perceived supporters, carried out alongside severe restrictions on press freedom, free assembly, and civil society. The high rate of spoiled ballots in the 2018 lower house election—8.6 percent of all votes, according to the NEC—suggested strong popular discontent with the lack of choice, especially given that Hun Sen had repeatedly warned Cambodians not to spoil ballots.

Since the CNRP was banned in 2017, divisions within the party's membership and among prominent opposition leaders have increased, which some fear has damaged the opposition's ability to effectively challenge the ruling CPP.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The ruling party is not democratically accountable, and top leaders, especially Hun Sen, use the police and armed forces as instruments of repression. The military has stood firmly behind Hun Sen and his crackdown on the opposition. Hun Sen has built a personal body-guard unit in the armed forces that he reportedly uses to harass and abuse CPP opponents.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic minorities, especially those of Vietnamese descent, are regularly excluded from the political process and scapegoated by both the CPP and the opposition. Women make up 15 percent of the National Assembly, but their interests, like those of most citizens, are poorly represented.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Hun Sen has increasingly centralized power, and figures outside of his close circle have little impact on policymaking. Analysts also believe the prime minister is grooming his son, General Hun Manet, to succeed him. Hun Manet has been named to several key posts during his father's rule, including that of deputy commander-in-chief of the Royal Cambodian Armed Forces (RCAF). In December 2021, Hun Sen publicly stated that he wished to see Hun Manet succeed him as prime minister, though noted "it must be voted on." Later that month, the CPP's central committee unanimously voted to endorse Hun Manet as "future prime minister."

C2. Are safeguards against official corruption strong and effective? 1 / 4

Anticorruption laws are poorly enforced, and corruption is pervasive in public procurement and tax administration, to the benefit of Prime Minister Hun Sen and his family. In 2018, Global Witness, an anticorruption nongovernmental organization (NGO), claimed that the prime minister's family benefited from ownership stakes in firms worth over \$200

million; these companies were involved in projects varying from gold mining to the construction of Phnom Penh's international airport.

Members of the prime minister's family have also used their positions to keep millions of dollars in assets abroad, and have acquired Cypriot passports through its Citizenship by Investment program; participants must invest at least €2 million (\$2.4 million) to qualify.

Senior CPP senators have been implicated in acts of corruption, allegedly benefiting from smuggling operations and illegal land concessions.

C3. Does the government operate with openness and transparency? 1 / 4

Nepotism and patronage undermine the functioning of a transparent bureaucratic system. A draft access to information law was finalized in 2019, but the government added the bill to its long-term strategic plan, delaying its implementation to 2023. International information rights groups have criticized the bill, warning it does not meet international standards.

CIVIL LIBERTIES: 19 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

The government uses lawsuits, criminal prosecutions, massive tax bills, and occasionally violent attacks to harass and intimidate the media. There are private print and broadcast outlets, but many are owned and operated by the CPP.

Since 2017, the government has engaged in an intense crackdown on independent media. The independent English-language newspaper *Cambodia Daily* closed that year after it was issued an onerous tax bill. It has since been relaunched as an online news aggregator. In 2018, the *Phnom Penh Post*, an independent newspaper, was sold to a Malaysian investor with links to Hun Sen, and many of its editors and reporters quit or were fired.

Chinese investments also influence Cambodian press output. Fresh News, a progovernment news site, has distributed content from Chinese state media since accepting outside investment in 2018.

While progovernment media organizations operate freely, foreign media groups operate with more severe restrictions and in some instances are forced out of the country altogether. In 2021, the state announced the creation of a new 15-member Monitoring Committee for Journalism Ethics, which is mostly composed of government officials. The committee is charged with monitoring and evaluating the "ethical conduct" of journalists and media outlets, and will report to the Information Ministry. Journalists and media rights NGOs have expressed concern that the committee will allow the government to more heavily restrict independent media coverage and further harass journalists.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The majority of Cambodians are Theravada Buddhists and can practice their faith freely, but societal discrimination against religious and ethnic minorities persists. The government has increasingly used Facebook to spread disinformation about or smear activist monks.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Teachers and students practice self-censorship regarding discussions about Cambodian politics and history. Criticism of the prime minister and his family is often punished.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Open criticism of the prime minister and government by private citizens can result in reprisals, notably during the run-up to elections.

Free expression has been increasingly restricted in recent years. In 2020, the government enacted legislation that gave Hun Sen the power to declare a state of emergency that would grant authorities vast powers to conduct digital surveillance, ban assemblies, and ban or limit broadcasting, among other provisions that amounted to virtually unchecked powers. While a state of emergency was never declared, Hun Sen issued numerous threats as the global pandemic became apparent, and a number of people, including private citizens and those considered political opponents, were indeed arrested throughout year on the pretext of spreading false information about COVID-19 or purportedly contravening government narratives about public health. In 2021, dozens of people were arrested for criticizing the government's response to the COVID-19 pandemic.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12**E1. Is there freedom of assembly? 1 / 4**

Authorities are openly hostile to free assembly. Gatherings by the CNRP, the now-banned major opposition party, are prohibited. Demonstrations are routinely dispersed by security forces, who frequently subject peaceful protesters to threats, excessive violence, and arbitrary detention. Several protests in 2021 featured violent clashes between police forces and protesters.

The introduction of a law on "Preventive Measures Against the Spread of COVID-19" and other contagious diseases in March allows the government to "ban or restrict any gathering or demonstration" in order to prevent the spread of COVID-19. Those who violate the law could be subject to lengthy prison sentences and fines of up to 20 million riels (5,000 dollars).

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Activists and civil society groups dedicated to justice and human rights risk violence and typically face state harassment and arrest, as do activists involved in land disputes.

A 2020 report issued by the UN Human Rights Office in Cambodia found that human rights activists and NGOs are often subjected to undue "interference, intimidation, or harassment" by Cambodian authorities.

Several prominent activists were arrested in 2021, including several members of environmental advocacy group Mother Nature. Many of those arrested faced prolonged periods of detention or prosecution on vague charges; numerous international human rights organizations have called the charges "absurd," and called on the Cambodian government to permit peaceful activism.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Cambodia has a small number of independent trade unions, and workers have the right to strike, but many face retribution for doing so. A 2016 law on unions imposed restrictions on union activity, including excessive requirements for union formation.

In July 2020, authorities arrested union leader Rong Chhun on incitement charges. Chhun was found guilty in August 2021, and sentenced to two years in prison; Chhun was released early in November, after an appeals court reduced his sentence to time already served.

F. RULE OF LAW: 3 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary is marred by corruption and a lack of independence. Judges have facilitated the government's ability to pursue charges against a broad range of opposition politicians.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are poorly upheld in Cambodia. Abuse by law enforcement officers and judges remains extremely common. Sham trials are frequent, while elites generally enjoy impunity.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Cambodians live in an environment of repression and fear. The torture of suspects and prisoners is frequent. The security forces are regularly accused of using excessive force against detained suspects.

The work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), established to try the leaders of the former Khmer Rouge regime, has brought convictions for crimes against humanity, homicide, torture, and religious persecution. In 2018, the tribunal found Nuon Chea and Khieu Samphan, two surviving leaders of the Khmer Rouge, guilty of genocide and crimes against humanity. They both received life sentences. The convictions marked the first time the Khmer Rouge crimes were legally defined as genocide. Nuon Chea died in August 2019. Khieu Samphan appealed the ECCC's verdict in August 2021, asking the court to overturn his conviction on charges of genocide; the ECCC had not ruled on the appeal by year's end. In December, the tribunal dropped charges against Meas Muth, a lower-level official in the Khmer Rouge, citing insufficient evidence and the "absence of a definitive and enforceable indictment."

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Ethnic minorities, especially those of Vietnamese descent, often face legal and societal discrimination. The Cambodian government frequently refuses to grant refugee protections to Montagnards fleeing Vietnam, where they face persecution by the Vietnamese government. LGBT+ individuals have no legal protection against discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The constitution guarantees the rights to freedom of travel and movement, and the government generally respects these rights in practice. However, the emergency law adopted in 2020 would allow the government to heavily restrict these rights if invoked. In response to COVID-19 outbreaks in 2021, authorities placed some people who tested positive for the virus in quarantine centers; human rights groups have called these measures overly restrictive.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Land and property rights are regularly abused for the sake of private development projects. Over the past several years, hundreds of thousands of people have been forcibly

removed from their homes, with little or no compensation, to make room for commercial plantations, mine operations, factories, and high-end residential developments. Land disputes are common, and security forces typically respond to protests with force.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The government does not frequently repress personal social freedoms, but women suffer widespread social discrimination. Rape and violence against women are common.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Equality of opportunity is severely limited in Cambodia, where a small elite controls most of the economy. Labor conditions can be harsh, sometimes sparking protests, and the government cracked down on labor protests in 2021. Exploitative working conditions and wage theft are common; in April, numerous garment workers reported that their legally guaranteed severance pay had been withheld.

Cambodia is a country of origin, destination, and transit point for sex and labor trafficking. In its 2021 *Trafficking in Persons* report, the US State Department noted that Cambodia does not meet the minimum standards for combating trafficking.

Cameroon

Population: 27,300,000

Capital: Yaoundé

Freedom Status: Not Free

Electoral Democracy: No

Overview: President Paul Biya has ruled Cameroon since 1982. His Cameroon People's Democratic Movement (CPDM) has maintained power by rigging elections, using state resources for political patronage, and limiting the activities of opposition parties. Press freedom and nongovernmental organizations (NGOs) are restricted, and due process protections are poorly upheld. A conflict between security forces and separatists in the Anglophone Northwest and Southwest regions is ongoing and has resulted in widespread civilian deaths and displacements.

KEY DEVELOPMENTS IN 2021

- In December, members of the opposition Cameroon Renaissance Movement (CRM), who had been arrested in September 2020 during a peaceful protest, received prison sentences of up to seven years for “rebellion.”
 - A November report by the Supreme Court's Chamber of Accounts noted numerous “weaknesses and abuses” in the government's management of COVID-19 funding, and found that more than 21 billion CFA francs (\$34.8 million) had been diverted from the government's COVID-19 fund. In May, the government also committed to investigating why “most of a \$335 million loan” from the International Monetary Fund (IMF) could not be accounted for.
 - The conflict in the Anglophone regions wore on, with frequent reports of violence and deaths at the hands of both separatist and government forces throughout the
-

year, including numerous deadly attacks on civil servants, students, teachers, and schools by separatists.

POLITICAL RIGHTS: 6 / 40 (-1)

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president is the head of state, is directly elected to a seven-year term in a single voting round, and may serve an unlimited number of terms. President Paul Biya won a seventh term in the October 2018 presidential election, taking 71 percent of the vote in a process marked by low turnout and a lack of genuine democratic competition. Maurice Kamto of the CRM came in second with 14 percent of the vote. The election was marred by irregularities including unsigned results sheets, and intimidation and fear in the Anglophone regions kept many from casting their votes. A television report after the election depicted supposed Transparency International observers praising the electoral process, but Transparency International quickly issued a statement asserting that they had no election observers in Cameroon.

In the Northwest and Southwest regions, separatists called for an election boycott, and armed militants used threats and intimidation to keep voters away from the polls. Out of 2,300 polling stations in the Northwest Region, only 74 opened on election day. Approximately 15 percent of registered voters cast ballots in the Southwest Region, while turnout was only 5 percent in the Northwest Region.

Mayoral elections were held in Bangangté, a town in West Cameroon, in May 2021. The election process featured numerous irregularities, and resulted in the son of the Senate's top official being elected, despite the absence of the required number of municipal councilors as stipulated by Cameroon's electoral laws.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The upper chamber of Cameroon's bicameral Parliament is the 100-member Senate. Senators serve five-year terms; 70 are elected through indirect suffrage by regional councils, while the remaining 30 are appointed by the president. The 180 members of the National Assembly, the lower chamber, are directly elected in multimember constituencies to five-year terms.

Long-delayed National Assembly elections were finally held in Cameroon in February 2020, together with municipal elections. The CRM refused to put up candidates, though the Social Democratic Front (SDF) participated, as did the National Union for Democracy and Progress (UNDP), which is allied with the CPDM. The CPDM retained its majority, winning 139 of the 167 seats contested. The Constitutional Council invalidated the results in 11 constituencies of the Anglophone Northwest and Southwest regions, where boycotts and ongoing tensions resulted in low turnout; separatists claimed that 98 percent of eligible voters had boycotted the election. Reruns took place in March 2020, and the incumbent CPDM won all 13 of the seats at stake.

The first-ever regional elections took place in December 2020, despite calls for a boycott by opposition parties and threats by separatist groups in the Anglophone regions to arrest would-be voters. Biya's CPDM won the majority. In September 2021, the CPDM elected the executives of its local institutions; those appointed to senior positions will be able to take part in the next party conference, which some believe will determine President Biya's successor.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The independence and integrity of Cameroon's electoral framework has long been compromised by accusations of partisanship by election management bodies. The Constitutional Council—created in February 2018, just eight months before the presidential election—has the power to validate election results and adjudicate election disputes, and the majority of its 11 members have ties to the ruling party. The council rejected all 18 petitions to cancel the presidential election results filed by opposition parties in 2018, despite credible allegations of fraud and intimidation.

The Elections Cameroon (ELECAM) electoral body was created in 2006 to address concerns about the fair management of previous elections. However, President Biya chooses its members, and CPDM partisans have historically dominated the body. In March 2021, the leaders of seven opposition political parties met to draft an updated and fair electoral code. The group planned to present the proposed reforms to the public in November, but was prevented from doing so by police.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The ability to organize in political groups, and their freedom to operate, is severely limited, and opposition leaders risk arrest and imprisonment. Opposition rallies are frequently prohibited by the government; in July 2021, the government banned a peaceful protest planned by the CRM, though numerous CPDM marches in support of President Biya were authorized.

In December 2021, the government briefly placed CRM president Kamto under house arrest in an apparent attempt to stop him from launching his book in Douala, a CRM stronghold. Later in December, 47 CRM members, who had been arrested in September 2020 during a peaceful protest, received prison sentences of up to seven years for “rebellion.”

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Despite the existence of hundreds of registered political parties, Cameroon remains essentially a one-party state. The organizational advantages of the ruling party's long incumbency, its dominance over electoral bodies, and its superior access to media and public resources to achieve partisan gains, disadvantage opposition candidates. Opposition parties are highly fragmented, preventing any one of them from becoming a viable alternative to the ruling CPDM. Frequent harassment, intimidation, and arrests of opposition figures further reduce the ability of opposition parties to gain power through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

State patronage and President Biya's control of high-level appointments help the CPDM retain power. Insecurity in the Anglophone regions caused by violence between armed militants and the military made voting nearly impossible in the 2018 presidential election, effectively denying voters a political choice. The ongoing crisis also affected the 2020 parliamentary, municipal, and regional elections with supporters of separatists in the Anglophone Northwest and Southwest regions calling for boycotts, resulting in low turnout.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Groups advocating for greater self-determination in the Anglophone regions remain marginalized and excluded from political debate, as reflected by the 2017 banning of the Southern Cameroons National Council (SCNC), an Anglophone political group. LGBT+ people, some ethnic minorities, and women are generally excluded from positions of political influence, and their interests are poorly represented by elected officials. The government has expressed a commitment to increasing women's representation in Parliament.

C. FUNCTIONING OF GOVERNMENT: 2 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

President Biya has extensive executive authority, including wide-ranging appointment powers and strong control over state institutions. Many policies are generated by the government and adopted by presidential decree, with minimal involvement by the parliament. When it is involved, Parliament shows little independence and largely acts as a rubber stamp for the president's policy initiatives.

C2. Are safeguards against official corruption strong and effective? 0 / 4 (-1)

Corruption is systemic and bribery is commonplace in all sectors, despite anticorruption initiatives including the creation of the National Anticorruption Commission (CONAC). Several former high-level government officials are serving prison terms for corruption, though these efforts are often perceived as moves by President Biya to persecute political adversaries, who are oftentimes his former allies.

During 2020 and 2021, opposition leaders and civil society groups repeatedly alleged that government officials were embezzling funds intended to fight COVID-19. In May 2021, the summary of an investigative report by the Supreme Court's Chamber of Accounts was published on social media. The report, which was officially published in November, noted numerous "weaknesses and abuses" in the government's management of COVID-19 funding, and found that more than 21 billion CFA francs (\$34.8 million) had been diverted from the government's COVID-19 fund. In May, the government also committed to investigating why "most of a \$335 million loan" from the International Monetary Fund (IMF) could not be accounted for.

Score Change: The score declined from 1 to 0 because government officials brazenly embezzled funds allocated to combat the COVID-19 pandemic.

C3. Does the government operate with openness and transparency? 1 / 4

Decisions, especially those made by presidential decree, are often adopted without public consultation. Cameroon lacks an access to information law, and it is difficult to gain access to government documents or statistics in practice. The websites of most ministries do not provide substantial information.

CIVIL LIBERTIES: 9 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 0 / 4

Independent and critical journalists face pressure and the risk of detention or arrest in connection with their work. In September 2021, journalist Sébastien Ebala was sentenced

to two years in prison for “contempt” of the president. Ebala has been detained since April 2020, when he was arrested after publicly stating that Biya should leave power while advocating for an antigovernment march.

The National Communications Council (CNC), a media regulatory body, has a history of harassing journalists and outlets. In June 2021, the prime minister installed the new head of the CNC, telling him to “promote sanity” and the “consolidation of national unity” and to fight fake news in the country’s media landscape. State-run Cameroon Radiotelevision (CRTV) has been criticized for favoring the CPDM in its coverage. The government continued to suppress media coverage of the Anglophone crisis in 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Religious freedom is somewhat restricted in northern areas affected by the presence of the Boko Haram extremist group, which has carried out violent attacks against places of worship. In addition, random attacks against believers and facilities in connection with the conflict in the Northwest and Southwest regions are common.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

There are no legal restrictions on academic freedom, but state security informants operate on university campuses and academics can face negative repercussions for criticizing the government or discussing its political opponents. In September 2021, military security forces detained Fridolin Nke, a philosophy professor who had recently published a book criticizing the Biya government; Nke, who reported being tortured while in custody, was quickly released. Academic freedom continues to be severely impacted by the crisis in the Anglophone regions, with separatists enforcing a boycott of schools and carrying out acts of violence against teachers and students.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Public criticism of the government and membership in opposition political parties can have negative consequences for professional opportunities and advancement. In general, Cameroonians tend to avoid discussing sensitive political issues for fear of reprisals, notably the potential for a return to a federal system that would grant the Anglophone regions more autonomy, or the regions’ outright secession.

E. ASSOCIATION AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is subject to significant restrictions. Authorities continued to ban and violently disperse events perceived as antigovernment in 2021, notably those staged by the opposition CRM.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The influence of civil society has weakened over the years, with many nongovernmental organizations (NGOs) relying entirely on foreign assistance, and others coopted by the regime. Anglophone activists have faced harassment, violence, and arrest for their activities. LGBT+ organizations have also been targeted by law enforcement.

The government has restricted the work of international NGOs, denying their staff access to the country. In December 2020, Cameroonian authorities instructed international NGO Doctors Without Borders (MSF) to suspend their operations in the Northwest Region, claiming that the group was covertly aiding Anglophone separatists; MSF repeatedly denied such accusations, but was forced to withdraw from the region in August 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions and collective bargaining are legally permitted, although unions are still subject to numerous restrictions in the exercise of their rights. Strikes are theoretically permitted, but the government has used force to disrupt them in practice.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is subordinate to the Ministry of Justice, with corruption and political influence, including by the executive, weakening courts. The president appoints judges and can dismiss them at will. Prosecutors have been pressured to stop pursuing corruption cases against some high-profile officials.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process rights are poorly upheld. Lengthy pretrial detentions are commonplace. Civilians accused of terrorism are frequently not afforded the right to a fair trial. French legal norms are regularly imposed upon Cameroonians in Anglophone regions.

Acts of violence against lawyers have increased in recent years. In October and November 2021, human rights lawyer Felix Agbor Nkongho received numerous death threats in response to his work as a “prominent defender” of the rights of Cameroon’s Anglophone minority.

The government has also invoked charges of terrorism and insurrection against opposition leaders and separatist supporters, and they are often detained in the absence of due process and without realistic avenues for challenging their detention. In December 2021, 47 people arrested in the aftermath of the September 2020 CRM antigovernment rallies were sentenced to up to seven years in prison on charges of “rebellion.” State security forces have carried out extrajudicial killings and arbitrary detentions in connection with the Anglophone crisis, and in the Far North regions in response to Boko Haram activities.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Active conflicts involving both Boko Haram and Anglophone separatists continue to threaten the security of millions of people in Cameroon. The ongoing violence led to the deaths of numerous Cameroonian soldiers and civilians in the Anglophone and Far North regions throughout 2021.

Prison conditions are harsh, marked by “extreme overcrowding” and poor sanitation. Inmates often face a lack of access to food, water, and medical care. Police brutality remains a problem, including the abuse and torture of detainees.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Discrimination against Anglophone Cameroonians and individuals from certain ethnic groups, including the Bamiléké, is common. The government imposes the French language

in Anglophone regions, and Anglophone Cameroonians are frequently denied senior jobs in the civil service.

Discrimination against the LGBT+ community is rife, and violence against LGBT+ people is common. The penal code forbids same-sex relations; those convicted face prison sentences as long as five years. A cybercrime law punishes those who solicit same-sex relations online with two-year prison sentences. People are frequently prosecuted with no evidence of sexual activity, but rather on suspicions that they are gay.

The ongoing Boko Haram and Anglophone conflicts have forced large numbers of people to flee their homes. As of December 2021, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) estimated that there were 573,900 internally displaced persons (IDPs) within the Northwest and Southwest regions; other UN reports estimated that as of August there were more than 340,000 IDPs in the Far North region. IDPs often struggle to access food, education, and other basic needs, and displaced women are more vulnerable to gender-based violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Free movement is severely limited in parts of the Far North Region due to Boko Haram activity, and in the two Anglophone regions due to the ongoing crisis there.

The Anglophone crisis has exacted a heavy toll on children, many of whom have been deprived of their right to education. Thousands of schools have closed, and attacks and kidnappings of students and teachers at those operating are frequent. In June 2021, six civil servants from the Ministry of Economy, Planning and Regional Development (MINEPAT) were kidnapped by Anglophone separatists in the Southwest Region; one was killed, and the others had not been released at year's end.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Harassment of small business owners by state agents is common. Agribusinesses and logging operations are often carried out without consulting local inhabitants. In many regions, women are still dispossessed of their inheritance rights.

In August 2020, the minister of domains and land affairs, Henri Eyébé Ayissi, announced the suspension of a provisional lease between the government and cocoa producer Neo Industry SA in the Ntem Valley, in the South Province. The decision followed local opposition to Neo's plans to begin development of parts of an ancestral reserve. In May 2021, the prime minister signed a cancellation of Neo's lease, putting an end to five years of litigation.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

The constitution guarantees equal rights to men and women, but traditional legal values and practices often take precedence, and do not always provide women with full rights. The Boko Haram conflict has also exacerbated the already prevalent practice of child marriage and the sexual abuse of minors in the Far North Region. Customary law can allow rapists to escape punishment if the victim consents to marriage. Despite laws guaranteeing equal rights to men and women to file for divorce, in practice courts often disadvantage women by making proceedings prohibitively expensive or lengthy. Cases of domestic violence and rape are widespread, and perpetrators are rarely prosecuted.

Sexual relations between people of the same sex are legally prohibited in Cameroon. In May 2021, two transgender women were sentenced to five years in prison and fined 200,000 CFA francs (\$330) for “attempted homosexuality.” Both women were released pending appeal in July following pressure from international and domestic human rights organizations.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Despite a 2011 law against human trafficking, Cameroon remains a source, transit, and destination country for forced labor and sex trafficking of children, as well as a source country for women who are subject to forced labor and prostitution in Europe. Some internally displaced women have also resorted to prostitution in the cities of Yaoundé and Douala. Child labor remains common, and child workers are frequently exposed to hazardous working conditions, particularly when collecting scrap metal for sale. The sexual exploitation of children on social media has increased in recent years; in June 2021, the Minister of Women’s Empowerment held a press conference condemning such abuse, saying that those responsible will be held accountable under the law.

Canada

Population: 38,200,000

Capital: Ottawa

Freedom Status: Free

Electoral Democracy: Yes

Overview: Canada has a strong history of respect for political rights and civil liberties, though in recent years citizens have been concerned about laws relating to the administration of elections, freedom of expression, government transparency, and personal privacy. While Black, Indigenous, and other marginalized Canadians still face discrimination and economic, social, and political challenges, the federal government has acknowledged and made some moves to address these issues.

KEY DEVELOPMENTS IN 2021

- In August, Prime Minister Justin Trudeau called for snap elections in September, during which there were almost no changes in the number of seats held by parties in Parliament. In the September polls, as well as in provincial elections in March and August, options for mail-in ballots and early voting were expanded and procedures were put in place at polling stations, such as physical distancing and sanitization protocols, to allow these elections to proceed in a free and fair manner.
- The government took several steps to address the equal treatment of Indigenous Canadians during the year, including passing a law in June to enforce the United Nations Declaration on the Rights of Indigenous Peoples. That same month, the government responded to the 2019 National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG)—which concluded that the history of state discrimination and oppression of Indigenous people amounted to genocide—committing C\$2.2 billion (US\$1.8 billion) over five years to implement the Inquiry’s recommendations.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The British monarch is head of state, represented by a ceremonial governor general, currently Mary Simon, who is appointed on the advice of the prime minister. The prime minister is the head of government and is invited to the post by the governor general after elections; the office is usually held by the leader of the majority party or governing coalition in Parliament. Justin Trudeau remained prime minister after the Liberal Party maintained control of government in the September 2021 snap elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Canadian parliament consists of an elected 338-member House of Commons and an appointed 105-member Senate. Lower-house elections are held every four years on fixed dates; early elections may be called by the governor general if the government loses a no-confidence vote, or on the advice of the prime minister. In August 2021, Prime Minister Trudeau called for snap elections to be held the following month. There were almost no changes in the number of seats held by parties in Parliament in the September poll: the center-left Liberal Party won 160 seats in the House of Commons and maintained its minority government; the Conservative Party took 119 seats; the Bloc Québécois secured 32 seats; the left-leaning New Democratic Party (NDP) won 25 seats; and the Green Party won 2.

In two provincial elections held in 2021—in Nova Scotia in August and in Newfoundland and Labrador in March—polling was conducted with public health measures in place to prevent the spread of COVID-19. The polls were deemed free and fair, in line with most Canadian elections. Voting day in Newfoundland and Labrador was delayed due to a surge of COVID-19 cases in the province's capital. However, the use of mail-in ballots allowed the election to proceed.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair and well enforced by the relevant bodies. Some critics expressed concern about the 2014 Fair Elections Act, arguing that its stringent voter identification requirements placed Indigenous Canadians at a disadvantage. In 2018, the Liberal government passed legislation that relaxed some of the criticized provisions; restricted spending by political parties and other actors during elections; gave voting rights to all Canadians living abroad; improved the privacy of voters' information within the databases of political parties; and increased the power of the commissioner of Canada Elections to investigate violations of election rules. It further bans foreign donations for partisan campaigns and requires major online platforms, such as Facebook and Google, to create a registry of digital political advertisements.

The Liberal government proposed a law in 2021 that would allow voting on the week-end prior to election day, increase options for mail-in ballots, and create special procedures to facilitate voting for seniors in long-term care and for persons with disabilities. However, the early elections held in September prevented the bill from proceeding before year-end.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

A small number of parties have historically dominated elections. However, Canadians are free to organize in different political parties, and the system is open to the rise and fall of competing groups. A total of 21 political parties were registered in the 2021 federal elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties have a realistic chance of gaining power through elections. In 2015, the Conservatives lost power to a Liberal majority government, and in 2019, the Liberal Party's control of Parliament diminished to a minority government.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Members of religious minorities and Indigenous people are seated in the parliament, as are many women; Prime Minister Trudeau's cabinet has full gender parity. The rights and interests of LGBT+ people are protected. A 2017 law explicitly prohibits discrimination based on gender identity or gender expression, affording transgender individuals, among others, more protection against hate crimes.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

After some initial delays, federal and provincial governments in Canada were able to continue their legislative business during the COVID-19 pandemic by limiting the number of lawmakers allowed to meet in-person in Parliament and provincial assemblies and moving most legislative committees to online platforms. Emergency powers for the federal finance minister to spend money on pandemic-related measures without parliamentary approval were granted in 2020, and subsequently expired in 2021.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Canada has a reputation for clean government and a record of vigorous prosecution of corruption cases.

C3. Does the government operate with openness and transparency? 4 / 4

Canadians may request public information under the provisions of the Access to Information Act, but they may face delays or excessive costs. A law amending the act to improve this situation was passed in 2019, but critics have charged that it has not been very effective.

CIVIL LIBERTIES: 58 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Canada's media are generally free; journalists are mostly protected from violence and harassment in their work and express diverse viewpoints.

In November 2021, authorities arrested journalists Amber Bracken and Michael Toledano while they were covering land defenders' demonstrations in the First Nation

Wet'suwet'en territory in British Columbia. Police arrested the two journalists for having been embedded with the protesters. However, Canadian legal precedent maintains journalists' rights to embed with protest groups.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The Canadian constitution and other legislation protect religious freedom. However, in 2019, the Quebec provincial government passed Bill 21, which bans certain government employees in positions of authority from wearing religious symbols such as a hijab, crucifix, turban, or kippah while at work. The list of such persons includes judges, police officers, government lawyers, and teachers. The bill has a grandfather clause for government employees already wearing symbols—they can keep wearing them until they change institutions or take a promotion.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion in Canada is generally free and unrestrained.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected and generally upheld in practice. However, tensions over the right to assemble at the Fairy Creek logging site in British Columbia have led to several court cases and the arrest of over 1,000 antilogging protesters as of December 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely and frequently inform policy discussions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions and business associations enjoy high levels of membership and are well organized.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

Canada's judiciary is generally independent.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutionally protected due process rights are generally upheld in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The use of solitary confinement for extended periods of time in Canada's prisons has been controversial. While there have been changes in recent years to solitary confinement

laws, an advisory panel report released in May 2021 found that the length of solitary confinement and the frequency of its use had not substantially changed.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The government has made increasing efforts to enforce equal rights and opportunities for minority groups, although problems persist. Black and Indigenous Canadians remain subject to widespread discrimination, struggle with food insecurity, and have unequal access to education, health care, public services, and employment. While there has been some recent progress on these issues, it has been slow.

The federal government's 2015 Truth and Reconciliation Commission of Canada (TRC) and its 2019 National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG)—which concluded that the history of state discrimination and oppression of Indigenous people amounted to genocide—made several recommendations to improve the lives of Canada's Indigenous peoples. However, an analysis published in June 2021 found that only 13 out of 94 TRC calls to action had been completed. Though the government's response to the MMIWG was delayed due to the COVID-19 pandemic, in June 2021 it committed C\$2.2 billion (US\$1.8 billion) over five years to implement the Inquiry's recommendations and related programs. Parliament also passed a law that month to enforce the United Nations Declaration on the Rights of Indigenous Peoples. How this new law will impact federal government policies relating to Indigenous people remains to be seen.

The federal government also introduced an antiracism strategy in 2019, which included substantial programs to combat anti-Black and anti-Indigenous racism that are now operational. In December 2021, the government officially outlawed "conversion therapy"—an array of violent practices that falsely claim to change LGBT+ people's sexual orientation—to take effect in early 2023.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is constitutionally protected and upheld in practice. Due to the COVID-19 pandemic, provincial and municipal governments at various times in 2020 and 2021 limited people's movements over borders and enforced public health orders to self-isolate if they were infected with COVID-19. The rules were enforced with monetary fines, though compliance was common, and fines were given quite rarely.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are not constitutionally guaranteed but are generally well protected by law and through the enforcement of contracts.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Canada legalized same-sex marriage in 2005. In March 2021, the House of Commons passed amendments to Canada's assisted suicide laws to remove the eligibility requirement for a person's natural death to be "reasonably foreseeable," among other changes.

Domestic violence is a problem that disproportionately affects women, particularly Indigenous women, and is underreported. However, there have been initiatives in recent years to better train police in handling domestic violence cases.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

There have been some reports of forced labor in the agricultural, food processing, construction, and other sectors, as well as among domestic workers. However, the government, aided by NGOs that work to reveal forced labor and sex trafficking, do attempt to hold perpetrators accountable and to provide aid to victims.

Central African Republic

Population: 4,900,000

Capital: Bangui

Freedom Status: Not Free

Electoral Democracy: No

Overview: The Central African Republic (CAR) suffers from pervasive insecurity and an absence of state authority in much of the country. A series of peace deals between the government and various armed groups have not produced improvements in the security situation and have been repeatedly breached by both parties. Violent attacks against civilians, including sexual violence, are an acute risk in many areas. There is little support for independent journalists, and workers with nongovernmental organizations (NGOs), particularly aid workers, operate at great personal risk.

KEY DEVELOPMENTS IN 2021

- A January ruling by the Constitutional Court found that the December 2020 presidential elections had been legal, rejecting the appeals of the opposition and confirming the reelection of President Faustin-Archange Touadéra. The election, in which Touadéra took 53.16 percent of the votes, was marked by significant flaws and low voter turnout.
 - The Constitutional Court also ruled in January that only 22 of the 140 members of Parliament had been elected outright in the December 2020 first-round polls, overturning the election results in a number of constituencies due to numerous irregularities, including voter intimidation and ballot box tampering. Additional rounds of voting were held in March, May, and July to fill the remaining seats, and were largely allowed to proceed peacefully.
 - Fighting between armed militant groups and the Central African Armed Forces (FACA)—supported by Russian and Rwandan military reinforcements and MINUSCA (United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic)—continued throughout the year, despite Touadéra's declaration of a cease-fire in October.
 - The National Assembly voted to impose a six-month state of emergency in February in response to continuing violent attacks carried out by armed rebel groups throughout the country. During the state of emergency, administrative and judicial authorities severely restricted the rights of many of the country's opposition leaders, preventing them from leaving the country and threatening to revoke their parliamentary immunity.
 - In October, the Central African government officially acknowledged that rebel militants, FACA troops, and Russian forces in the country had committed numerous human rights violations against civilians in the CAR. Though government officials
-

promised to enforce sanctions against the perpetrators, no meaningful action had been taken by year's end.

POLITICAL RIGHTS: 3 / 40**A. ELECTORAL PROCESS: 2 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president is chief of state and is directly elected to up to two five-year terms. President Faustin-Archange Touadéra was reelected to a second term in December 2020 with 53.1 percent of the vote. In January 2021, the Constitutional Court rejected the appeals presented by the opposition and confirmed the legality of the presidential election, despite numerous significant electoral flaws.

The 2020 presidential election was characterized by delays and irregularities in the voter registration, and was held following more than a week of intense fighting outside the capital. While the government and its international partners described the election as credible and legitimate, opposition parties denounced the polls, which took place alongside legislative elections, as marred by widespread ballot-box stuffing and vote buying. Many citizens were prevented from voting due to threats and attacks perpetrated by the new rebel coalition. There were no international independent observers outside of the capital, Bangui.

The prime minister is the head of government and is appointed by the president. In June 2021, President Touadéra appointed then finance minister Henri-Marie Dondra as prime minister after the resignation of former prime minister Firmin Ngebadà.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Members of Parliament are directly elected to five-year terms. The constitution adopted in 2015 stipulated the creation of a Senate, but it has not been established.

The first round of legislative elections took place in December 2020 alongside the presidential election, and was plagued by insecurity, voter intimidation, and allegations of fraud. In January 2021, the Constitutional Court certified that 22 out of 140 members of Parliament had been elected outright in the December 2020 polls. The court ruling also nullified the results of the December elections in a number of constituencies, citing numerous electoral irregularities, including ballot box tampering and acts of violence and intimidation against candidates and voters. Another round of voting was held in March to fill the 118 parliamentary seats still open; two more rounds of legislative elections were held in May and July to fill the remaining seats. According to UN reports, despite some flaws, the 2021 legislative elections were marked by high voter turnout and were largely allowed to proceed peacefully.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral laws of the Central African Republic permit multiparty competition, and adult citizens enjoy universal and equal suffrage. However, electoral authorities operate in an opaque manner.

A new law regulating the National Elections Authority (ANE) was approved in July 2020. Though the legislation introduced a number of mechanisms to enhance the independence of the ANE, the new board is still largely controlled by the ruling party.

Parliament also amended the electoral law in 2020 to extend the period for voter registration, three months before the December elections. The opposition coalition contested

the bill, instead calling for a national consultation. The election ultimately was marred by irregularities surrounding voter registration due to poor implementation of the law.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

While political parties are legally able to form and operate, party members conducting political activities are at risk of intimidation and violence by the national police and pro-government militias in Bangui, and by armed groups and national security forces outside the capital.

In September 2021, President Touadéra established a committee to organize a “republican dialogue” between the government and the opposition. However, most opposition leaders withdrew from the committee in October after Touadéra refused to allow representatives of rebel groups to participate in the dialogue; the process was unable to begin before year’s end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Several opposition parties exist in the parliament. In February 2020, the most prominent opposition leaders joined forces within the Coalition for Democratic Opposition (COD-2020) to overcome increasing government repression.

However, most of the candidates in the 2020–21 elections were not able to run electoral campaigns outside the capital due to widespread violence and direct threats and aggression by armed rebel groups. In late 2020, six presidential candidates from the opposition requested that the elections be postponed due to the withdrawal of another candidate from the presidential race because of insecurity; the Constitutional Court rejected the request in December 2020.

After the elections, administrative and judicial authorities severely restricted the rights of several prominent political opposition leaders, who were prevented from leaving the country and threatened with the loss of their parliamentary immunity. In August 2021, well-known opposition politician Abdou Karim Meckassoua was dismissed from the parliament after he was accused of treason and the Constitutional Court annulled his election win; Meckassoua criticized the ruling, claiming that it was politically motivated.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Citizens are vulnerable to pressure and intimidation from national police and nonstate armed groups. Due to enduring insecurity, voters outside the capital are largely unable to participate in political processes.

A Russian military presence in Central African Republic persists. President Touadéra has named a former Russian intelligence agent, Valery Zakharov, as his special advisor and assigned his security to the Wagner Group, a Russian security company with links to Russian President Vladimir Putin. More than 2,000 Wagner mercenaries were estimated to be present in the CAR as of the end of 2021, supporting the country’s military operations and directly engaging in fighting with armed rebel groups.

In December 2021, the European Union (EU) put Mr. Zakharov and the Wagner Group under financial sanctions, citing serious human rights abuses and destabilizing activities in the CAR. The EU also temporarily suspended the activities of the EU Training Mission in

the CAR (EUTM RCA), asking the government to guarantee that trained troops would not fall under Wagner control.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Enduring discrimination and an accompanying lack of access to political processes prevents members of many ethnic, religious, and other minority groups from achieving political representation. Sectarian violence against Muslims continues to affect their ability to participate in politics. Women are underrepresented in politics, and fewer than 20 women sit in the 140-seat Parliament, though the electoral law passed in 2019 requires that 35 percent of candidates be women. Societal and legal discrimination against LGBT+ people prevent them from working to see their interests represented in the political sphere.

Due to the long-lasting tribalization of politics, the country's public institutions and army are dominated by its ethnic majority, the Gbaya, to which former President Bozizé belongs. President Touadéra has also promoted members of his groups, the Mbaka-Mandja, to key senior positions and to the presidential guard.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

While the elected representatives can determine the policies of the government, the poor governance and the weak authority of the state outside the capital severely limit the government's ability to implement policy decisions.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption and nepotism have long been pervasive in all branches of government, and addressing public-sector corruption is difficult given the lack of political will. Members of the president's party, the United Hearts Movement (MCU), appear to benefit from impunity. In March 2020, the vice president of the parliament, Jean-Symphorien Mapenzi, was reelected to his post despite admitting to having fixed a parliamentary vote on a finance bill. The year before, the second vice president of the parliament, Mathurin Dimbélé-Nakoé, escaped sanctions in a case of corruption involving mining licenses granted to Chinese companies.

C3. Does the government operate with openness and transparency? 0 / 4

Government operations are largely nontransparent, and civil society groups and others have limited opportunity to comment upon or influence impending policy decisions. Citizens outside of the capital have limited access to their elected representatives in the national legislature. In July 2020, the UN Panel of Experts reported on an expansion of the presidential guard that was not provided for in the national defense plan nor in the security sector reform process.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / -4

Targeted religious- and ethnic-based violence perpetrated by FACA and Russian mercenaries increased after the 2020–21 elections in northwestern and eastern regions of the country. Hundreds of thousands of civilians remain internally displaced or confined to ethnic and sectarian enclaves.

CIVIL LIBERTIES: 4 / 60 (-2)**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16 (-1)****D1. Are there free and independent media? 1 / 4**

There is little support for independent media, and in Bangui, outlets are increasingly aligned with national politicians and foreign governments, especially Russia. Media (and social media) often carry material meant to incite hate, discrimination, or violence, mainly against minority groups, with a spike in such material during the 2020 preelection period. Although the High Commission of Communication (HCC) has played an active role in media regulation since 2017, the situation has not improved.

In February 2021, the government blocked access to two online news outlets, the Corbeau News and Le Tsunami, accusing them of spreading “hate speech” and “fake news.” The outlets’ publishers have alleged that the decision was made in order to prevent them from publishing information on the presence of Russian mercenaries in the country.

Journalists reportedly faced increasing threats from national security and progovernment militia forces throughout 2021, and the government began preventing international media workers from traveling outside the capital in September. Incidents of harassment and intimidation by government forces often go unreported for fear of reprisals.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Officially, the Central African Republic is a secular state, but ethnic and religious cleavages often overlap with the country’s political divisions. Muslims and Christian residents in Bangui remain partially segregated in separate enclaves, and fears of identity-based or sectarian violence by armed actors impedes free religious expression. Members of Muslim communities living in the northwestern and eastern regions of the country continued to be targeted by FACA and Russian mercenary forces throughout 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Although extremely dysfunctional, the educational system is generally free of extensive political indoctrination. However, clientelism and corruption are widespread in many schools and universities. Outside the capital, the school year is often disrupted, including by a lack of available teachers and the occupation of school buildings by armed rebel groups, national army forces, and Russian mercenaries.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4 (-1)

Public discussion and political debates are increasingly surveilled by state authorities. Political instability and the growing risk of violent retaliation for expressing opinions on sensitive topics—including the widespread abuses perpetrated by progovernment militias, FACA forces, and Russian mercenaries—inhibit free expression.

Score Change: The score declined from 1 to 0 because fear of indiscriminate violence and retaliation by progovernment militias and Russian mercenaries have virtually shut down open discussion of political issues.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

Although freedom of assembly and the right to political protest is guaranteed under the constitution, these liberties are curtailed due to government repression of the opposition in

Bangui, and threats posed by armed groups, FACA forces, and Russian mercenaries outside the capital. Limitations imposed to prevent the spread of COVID-19 also hampered free association in 2020 and 2021, though there were no major reports of abuses in enforcement of lockdown measures.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights-and governance-related work? 0 / 4

The operations of NGOs are limited by poor security conditions, and aid workers are particularly vulnerable. According to the International NGO Safety Organization (INSO), there were 296 recorded security incidents in 2021 involving relief workers, resulting in 2 aid workers killed, 27 injured and 4 abducted.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions and collective bargaining are permitted, although union organizers are sometimes subject to arbitrary detention or arrest. Small-scale agricultural organizations and cooperatives exist throughout the country, including organizations for women farmers.

F. RULE OF LAW: 0 / 16 (-1)

F1. Is there an independent judiciary? 0 / 4 (-1)

Courts are generally inefficient and frequently hampered by corruption. The government has limited authority to enforce judicial decisions. Judicial salaries have often gone unpaid. Judicial personnel are often untrained and are reluctant to be deployed outside of the capital. The Special Criminal Court (SCC), created in 2015, is struggling to fulfill its mandate; however, the court announced its first trial in December 2021.

In February 2020, the parliament passed a bill establishing a Truth, Justice, Reconciliation and Reparations Commission (TJRRC), and its 11 commissioners took office in July 2021. The commission possesses a four-year mandate to investigate the violent events in the country over a period of 60 years (1959–2019). However, the commission was mostly conceived as a convenient vehicle to achieve political accommodation during peace negotiations, and it may never become fully empowered.

The independence of the Constitutional Court was significantly damaged by high levels of political interference from the ruling party throughout 2021. Previously one of the country's only independent judiciary bodies, the Constitutional Court repeatedly ruled in favor of the ruling MCU both during and after the presidential and legislative elections in 2020 and 2021. In August 2021, the court removed opposition politician Abdou Karim Meckassoua from the parliament based on allegations that Meckassoua had committed treason by supporting armed rebel groups; Meckassoua condemned the court's decision, calling it politically motivated and unlawful.

Score Change: The score declined from 1 to 0 due to the ruling party's interference with the previously independent Constitutional Court.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Arbitrary detention and lengthy pretrial detention are commonplace, and the state justice system has limited presence beyond Bangui. Impunity for violence, economic crimes, and human rights violations remained widespread in 2021.

In December 2019, former President François Bozizé returned to Bangui from exile despite UN sanctions and an international arrest warrant for crimes against humanity and incitement to genocide. After entering the country in January 2020, former President Michel

Djotodia, who overthrew Bozizé in the 2013 coup, announced his return to Bangui from exile in September 2020, and engaged in political maneuvers to support President Touadéra.

The commanders of two armed groups were arrested during 2021, including ex-Séléka leader Mahamat Said Abdel Kani, who was detained and handed over to the International Criminal Court (ICC) in January; and former FACA captain Eugène Ngaïkosset, who was brought to the SCC in September. The trials of two other former militia leaders, Alfred Yekatom and Patrice-Edouard Ngaïssona, who were arrested in 2018 on charges of crimes against humanity, began in the ICC in February.

In November, the SCC arrested the Minister of Livestock, Hassan Bouba, accusing him of war crimes and crimes against humanity; Bouba's detention ended later that week when, in defiance of the SCC, members of the presidential guard unlawfully escorted him out of the prison in which he was being held.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

In Bangui, the officials of the Central African Office for the Repression of Banditry (OCRB) and the progovernment militias are often accused of abuse of power and excessive use of force. Outside the capital, armed nonstate actors continue to operate with impunity, despite the 2019 peace deal. These groups are responsible for numerous violent attacks against civilians, as well as attacks against international peacekeeping forces and humanitarian workers.

Allegations of serious human rights violations committed by FACA and Russian mercenary forces have increased since the reelection of President Touadéra in December 2020. In October 2021, the Central African government officially acknowledged that rebel militants, FACA troops, and Russian forces in the country had committed numerous human rights violations against civilians in the CAR. Though government officials promised to enforce sanctions against the perpetrators, no meaningful action had been taken by year's end.

Violent competition between national security forces and insurgent groups for control of territory and natural resources kept about 669,791 Central Africans internally displaced in 2021, and there were 743,865 refugees living outside the country at year's end. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that insecurity and attacks during the 2020–21 elections had led at least 233,200 people to flee their homes. Conflict between farmers and nomadic pastoralists further destabilized the country in 2021.

In July, the UN Security Council (UNSC) voted to further relax the arms embargo established in 2013.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Same-sex sexual acts are illegal, and punishable by fines and imprisonment. While enforcement of these laws is uncommon, societal discrimination against LGBT+ people remains acute. Discrimination continues against the Muslim minority, nomadic pastoralist groups, and the Ba'aka minority. The Gbaya majority, to which former President Bozizé belongs, is also targeted.

The independent High Authority for Good Governance is tasked with protecting the rights of members of minority groups and people with disabilities, though its reach is limited.

Due to the tribalization of politics, the Mbaka-Mandja groups may continue to enjoy unfair advantages.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 0 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4**

Free movement by citizens is inhibited by the lack of security and targeted violence. Transportation routes are threatened by banditry and theft in many areas. Limitations of movement imposed to prevent the spread of COVID-19 have economically affected Central Africans.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

Businesses and homes are regularly looted or extorted by armed militants, with little prospect for compensation or legal recourse for victims. The agricultural economy—the livelihood of the majority of the population—remains restricted by ongoing violence and insecurity.

The family code does not discriminate against women when it comes to inheritance rights. However, in practice, the possibility for women to inherit faces many challenges, including eviction from the family home after the death or disappearance of men during conflict.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Women and girls are by far the primary victims of sexual violence, but men and boys are also affected. Sexual violence is used as a deliberate tool of warfare, and attackers enjoy broad impunity. Such acts that are not related to ethnic conflict are most often perpetrated within communities by family or neighbors. Constitutional guarantees for women's rights are rarely enforced, especially in rural areas.

Allegations of sexual abuse committed by UN peacekeeping forces in the country have been documented, including in September 2021, when UN peacekeepers from Gabon were accused of sexually abusing five Central African girls; the same month, UN officials removed the entire Gabonese peacekeeping contingent from the CAR and ordered an investigation into the allegations.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic opportunity is heavily restricted by the widespread corruption and the presence of armed groups throughout the country. Many armed groups exploit gold and diamond mines, and forced labor and child recruitment for soldiering are common practices. The government has made significant efforts to eliminate trafficking, though it has not yet fully met minimum standards, according to the US State Department's 2021 *Trafficking in Persons* report.

Chad

Population: 17,400,000

Capital: N'Djamena

Freedom Status: Not Free

Electoral Democracy: No

Overview: Chad has been ruled by a military government since April 2021, when a group of senior officers seized power in a coup d'état following the death of longtime president Idriss

Déby Itno. The military regime, led by the former president's son, announced that it would oversee an 18-month transition period, which can be renewed once, followed by elections. Elections in Chad have historically been characterized by a high degree of repression, and legislative elections in Chad have been routinely delayed. Opposition activists risk arrest and severe mistreatment while in detention. The state faces multiple insurgencies led by rebel militants in the north and Boko Haram in the Lake Chad Basin.

KEY DEVELOPMENTS IN 2021

- In April, incumbent president Idriss Déby Itno was reelected to a sixth term in office in an election marred by a government crackdown on political dissent. Later that month, Déby was killed by rebel forces while visiting Chadian soldiers fighting in the north of the country.
- Following Déby's death, a transitional military council (TMC) comprised of senior military officers and headed by his son took control of the country in an April coup d'état. The TMC announced that it would oversee an 18-month transition period, which can be renewed once, followed by "free and fair" elections.
- In September, the ruling TMC appointed a 93-member National Transitional Council (NTC) to serve as an interim legislature for the transitional government. In October, the former president of the National Assembly, Haroun Kabadi, was appointed president of the NTC.
- In December, the NTC approved two laws granting amnesty to approximately 300 members of armed rebel groups for crimes ranging from terrorism to the recruitment of child soldiers. Civil society organizations criticized the amnesty for only applying to a small sub-set of rebels.

POLITICAL RIGHTS: 1 / 40 (-2)

A. ELECTORAL PROCESS: 0 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-1)

The president is normally directly elected to a five-year term. President Idriss Déby Itno took power in 1990 during a rebellion, and overwhelmingly won reelection in 1996, 2001, 2006, 2011, and 2016. Déby was reelected to a sixth term in April 2021 with 79.3 percent of the vote. The election, which was not credible or free, took place amid a government crackdown on political dissent and was boycotted by the country's main opposition figures.

Less than two weeks after the election, President Déby was killed by rebel forces while visiting Chadian soldiers fighting in the north of the country. Following Déby's death, a transitional military council (TMC) comprised of senior military officers and headed by his son—General Mahamat Idriss Déby Itno—took control of the country in a coup d'état. The TMC announced that it would oversee an 18-month transition period, which can be renewed once, followed by "free and fair" elections. In July, the TMC announced a planned timeline for the transition, calling for an "inclusive national dialogue" to be held in November and December 2021, followed by elections between June and September 2022. In December, the transitional government announced that the national dialogue had been postponed, and would not be held until February 2022.

In April, the TMC named Albert Pahimi Padacké as prime minister of the transitional government. Padacké previously served as prime minister under former president Déby; opposition politicians criticized the choice, saying the military lacked the authority to appoint a prime minister.

Score Change: The score declined from 1 to 0 because the military seized power in a coup after the incumbent president was killed in April.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Prior to the April 2021 military coup, the unicameral National Assembly consisted of 188 members elected to four-year terms. The ruling political party, former president Déby's Patriotic Salvation Movement (MPS), and allied parties controlled 117 seats. Elections have not been organized since 2011, with legislative elections due in 2015 having been repeatedly postponed. At the time of the coup, legislators were performing their functions despite the expiration of their electoral mandates.

Following the April 2021 coup d'état, the TMC dissolved the National Assembly and assumed its functions. Later that month, the TMC authorized the National Assembly to resume functioning; the final meeting of the National Assembly took place at the end of June. In September, the TMC appointed a 93-member National Transitional Council (NTC) to perform the functions of the National Assembly under the transitional government. While some opposition members were named to the NTC, members of a prominent opposition coalition that denounced the coup were excluded. In October, the former president of the National Assembly, Haroun Kabadi, was appointed president of the NTC.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Before the April 2021 coup, elections were managed by the Independent National Electoral Commission (CENI); the CENI's leadership was appointed by the country's entrenched political class through the National Framework for Political Dialogue (CNDP), and civil society was excluded from the process. In 2019, the CNDP adopted a revised electoral code, reducing the number of lower-house members from 188 to 161 in the next legislature, over the objection of opposition members.

The 2021 installation of the military government—which suspended the constitution upon taking power in April—violated constitutional provisions requiring that power be passed to the president of the National Assembly in the event that the head of state dies in office.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

There are more than 130 registered political parties in Chad, though most have historically been aligned with the government.

Opposition parties are subject to government harassment and arrest. In February 2021, the Chadian military killed multiple people when they stormed the home of a prominent opposition politician after he allegedly failed to respond to a judicial summons. In May, the leader of the opposition Reform Party (PR) was arrested and tortured by the police after participating in an anti-TMC protest march.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The mandate of the National Assembly, which was dissolved and temporarily reinstated following the April coup d'état, expired in 2015. Parliamentary elections, originally planned

for 2015, were repeatedly postponed, leaving the opposition unable to increase its support or gain power through elections. The political opposition is legally recognized, but opposition leaders who publicly criticize the government risk harassment and arrest. Opposition leaders have disappeared after entering state custody. Some opposition parties called for a boycott of the 2021 presidential elections following a deadly raid on an opposition leader's home by state security forces in February.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Before the April 2021 coup d'état, extensive kinship networks tied to former president Déby had resulted in a concentration of political and economic power. The former government was not accountable to voters in practice, and voters had few effective means of influencing politics. After Déby's death in April, the military took control of the government, violating the constitution and furthering a historic pattern of outsized military influence in Chadian politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The military government has continued a longstanding pattern of appointing members of the Beri ethnic group to prominent positions within the government, causing resentment among the country's other ethnic groups. Christians in the south are largely excluded from political power; though some Christians have held government positions, their voice was limited.

Women have historically held few senior positions in government, and face discrimination in employment and inheritance practices. LGBT+ people are severely marginalized, impacting their ability to engage in political processes and advocate for their interests.

C. FUNCTIONING OF GOVERNMENT: 0 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)

Prior to his death in April 2021, former president Déby enjoyed unlimited discretionary power over the composition of government and had concentrated power within the executive branch. Presidential elections, including the election held in April, were not credible and were characterized by significant political repression. Members of the National Assembly, last elected in 2011, acted on expired mandates from 2015 until 2021. The April 2021 coup d'état replaced the country's executive and legislative institutions with an unelected military government, which remained in power at year's end.

Score Change: The score declined from 1 to 0 because the April military coup left the country under the control of unelected leaders.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption, bribery, and nepotism are endemic in Chad. Journalists, labor leaders, and religious figures have faced harsh reprisals for speaking out about corruption, including arrest, prosecution, and expulsion from the country. Corruption charges against high-level officials that do go forward are widely viewed as selective prosecutions meant to discredit those who pose a threat to the government or its allies.

C3. Does the government operate with openness and transparency? 0 / 4

Chad has no law establishing the right to access official information. Since seizing power in April 2021, the TMC has largely ruled by decree, offering no meaningful opportunity for civil society to comment on government operations or obtain basic information about government functions.

CIVIL LIBERTIES: 14 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 12****D1. Are there free and independent media? 1 / 4**

The TMC's transitional charter provides for freedom of the press, but press freedom is restricted in practice. Newspaper editors are legally required to have completed at least three years of higher education; outlets employing editors who do not meet this condition face suspension, constraining the media environment. Although criticism of the government is generally permitted within certain boundaries, reporters and editors commonly self-censor to avoid reprisals. Journalists can face arrest, detention, and imprisonment on charges including defamation.

In March 2021, the government banned interactive political broadcasts in all media during the runoff to April's presidential election.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The state imposes a number of religious restrictions, primarily against certain Muslim sects. Several sects deemed to promote violence are banned, despite limited evidence of such activity. Imams are subject to governance by the semipublic High Council for Islamic Affairs, which is led by a group of imams belonging to the Tijanyya Sufi order. Wearing burqas is banned by ministerial decree, and the government detains individuals who wear them in public.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The government does not restrict academic freedom, but funds meant for the education system, as well as government-funded stipends, are regularly in arrears.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Space for open and free private discussion exists but tends to be self-censored due to fears of reprisal from the state. The government throttled internet connectivity speeds across the country multiple times during 2021 in an attempt to limit media coverage of antigovernment demonstrations and the arrest of an opposition politician. In October, police arrested a political activist for making pro-opposition social media posts.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12**E1. Is there freedom of assembly? 1 / 4**

The right of free assembly is not upheld by the military government, and the TMC routinely bans gatherings. In April 2021, protests against the military coup were met with state violence, resulting in the deaths of at least five people. Nonetheless, some protests denouncing a lack of political transparency and inclusivity were authorized by transition authorities during the year, and were allowed to proceed peacefully.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Nongovernmental organizations (NGOs) must receive government approval to operate legally, but few such applications are approved. Some NGOs, many of which focus on issues such as human trafficking and humanitarian relief, operate in the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Though the TMC's transitional charter protects the rights to strike and unionize, other laws limit public sector workers' right to strike. Despite such restrictions, some public unions, including teachers' unions, organized strikes in 2021.

Following the April coup d'état, some unions released statements denouncing the military takeover.

F. RULE OF LAW: 1 / 16**F1. Is there an independent judiciary? 0 / 4**

The rule of law and the judicial system remain weak because the political leadership heavily influences the courts. Instances of political interference in trials were reported in 2021.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Security forces routinely ignore legal guidelines regarding search, seizure, and detention. Detained persons are often denied access to lawyers, especially those detained in connection with their involvement in antigovernment protests or activities. Many people suspected of committing crimes are held for lengthy periods without charge. Instances of arbitrary detention and forced disappearances by security forces were reported throughout 2021.

In December, the NTC approved two laws granting amnesty to approximately 300 members of armed rebel groups for crimes ranging from terrorism to the recruitment of child soldiers. Civil society organizations criticized the amnesty for only applying to a small sub-set of rebels.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Political leaders do not maintain control of the security forces, who stand accused of killing and torturing with impunity. In addition, tensions amongst ethnic groups have been known to escalate into violent conflict. In August 2021, 22 civilians were killed when members of two communities clashed over land being used by both groups.

Beginning in April, rebels belonging a group known as the Front for Change and Concord in Chad (FACT) crossed into Chad from Libyan territory, attacking Chadian military positions and attempting to depose the government. The fighting resulted in the April death of Chadian President Déby. In May, the Chadian military claimed victory over the rebel group. Chadian human rights groups reported that members of certain ethnic groups were targeted for arbitrary arrest and forcibly disappeared by security forces due to perceived complicity with FACT rebels.

The Boko Haram militant group, including a faction known as the Islamic State's West Africa Province (IS-WA), operates near Lake Chad, and was active throughout 2021. In August, IS-WA militants attacked a Chadian military position in the Lake Chad region, killing 26 soldiers.

Prison conditions often do not conform to international standards. In July, prisoner of war and former opposition politician Ngarial Modeste died under unclear circumstances while in the custody of Chad's military intelligence service.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Due to cultural stigmatization, LGBT+ citizens are forced to conceal their sexual orientation and gender identity. The current penal code criminalizes same-sex sexual activity. Women face pervasive discrimination, and girls have limited access to education.

Ethnic disparities in the justice system have been reported, with officials refraining from enforcing court orders against people who share the same ethnic identity. Arbitrary arrests and detentions based on ethnic identity have also been reported.

While discrimination against people living with disabilities is legally prohibited, NGOs claim that these provisions go unenforced.

The government struggles to provide services to internally displaced persons (IDPs). In September 2021, the UN Office for the Coordination of Humanitarian Affairs counted 402,000 IDPs, along with over 481,000 refugees from other countries residing in Chad.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Although legal guarantees for the freedom of movement exist, in practice militant activity and government restrictions have limited movement. Following the April 2021 coup, the TMC closed national borders and imposed a curfew; these measures were lifted in April and May, respectively. In some areas of Chad, militants have erected roadblocks, limiting citizens' freedom of movement.

Public resource constraints restrict citizens' ability to pursue employment or educational opportunities outside of their local areas. The delivery of administrative documents is often slowed by bureaucratic constraints, limiting access to official documentation.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Laws establishing land and property rights are nominally in force, but are functionally irrelevant to the majority of the country's population owing to the state's minimal presence in rural areas; customary law governs land ownership and use rights in practice. Laws protecting the right of women to inherit land are not enforced.

Establishing and operating a business in Chad is extremely difficult, due in part to corruption.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Violence against women is common. Female genital mutilation is illegal but widely practiced.

The penal code bans child marriage, setting the legal age of marriage at 18, but the courts rarely hold those who practice it accountable.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Chad has adopted minimum wage and occupational safety laws, but they are not well enforced. Many workers are unaware of or lack access to formal channels through which they may seek redress for mistreatment; corruption also impedes workers from obtaining such redress. Unpaid wages are a problem in many sectors.

Chad is a source, transit, and destination country for child trafficking. NGOs in Chad have reported that a large percentage of human trafficking in Chad is related to the operation of illegal gold mines in the country's south.

Chile

Population: 19,600,000

Capital: Santiago

Freedom Status: Free

Electoral Democracy: Yes

Overview: Chile is a stable democracy that has experienced a significant expansion of political rights and civil liberties since the return of civilian rule in 1990. Ongoing concerns include corruption and unrest linked to land disputes with Indigenous Mapuche people.

KEY DEVELOPMENTS IN 2021

- In December, left-wing legislator Gabriel Boric became the youngest president elected in Chilean history after winning 55.8 percent of the votes in the runoff election. Elections were also held for the Constitutional Convention, the Chamber of Deputies, over half of the Senate, governors, and regional councilors.
- Though progressives won the presidency and dominated the Constitutional Convention and subnational politics, Congress remained fragmented, meaning Boric will govern under a divided government.
- In October, the Pandora Papers investigation revealed that President Sebastián Piñera had allegedly engaged in irregular use of his political office for personal financial gain. Although the Chamber of Deputies approved impeachment charges, the Senate acquitted Piñera.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Presidential elections in Chile are free and fair. The president is directly elected to a four-year term, and consecutive terms are not permitted. In December 2021, Chileans elected Gabriel Boric, to the presidency. Boric, a leftist member of Congress, won the second round of the election with 55.8 percent of the vote, becoming the youngest elected president in Chilean history at age 35.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The upper house, the Senate, has 50 seats, and the lower house, the Chamber of Deputies, has 155 seats; all members are directly elected. Senators serve eight-year terms, with half up for election every four years, and members of the Chamber of Deputies are elected to four-year terms.

In November 2021, Chileans elected 27 of 50 senators and all 155 members of the Chamber of Deputies. No coalition won a majority of seats, and both chambers remain politically diverse.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Chile's electoral framework is robust and generally well implemented.

In May of 2021, Chileans elected all 155 members of the Constitutional Convention using a gender parity criterion, with 17 seats reserved for Chile's 10 official Indigenous groups. The convention will propose a new constitution in 2022, which must be approved by a referendum. The constitutional reform process was triggered by an October 2020 national plebiscite, organized in response to the large-scale protests of the previous year. The election of the convention was held concurrently with subnational elections, including for governors, who were elected for the first time following a 2018 legal reform.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Chile has a multiparty political system in which parties operate freely. The newly elected Congress, which will hold its first session in March 2022, includes representatives from 16 political parties, as well as several independent candidates. Multiple new parties were registered or began organizing in 2020, motivated by interest in participating in the Constitutional Convention elected in May 2021. By the end of 2021, 27 parties were legally constituted.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power alternation between parties occurs regularly, both in Congress and for the presidency.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People are generally free to exercise their political choices without undue influence from actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The Constitutional Convention elected in May 2021 features gender parity among its 155 members, comprised of 78 men and 77 women, and 17 seats were reserved for members of Indigenous communities. Women are represented in government, and the electoral system includes a quota for women in the legislature. However, women report difficulty gaining influence in intraparty debates.

The interests of the Mapuche minority, which represents about 9 percent of the population, are present in political life, with Mapuche activists regularly making their voices heard in street demonstrations. However, this activism has yet to translate into significant legislative power. In 2017, one Mapuche candidate was elected to the Senate, and one to the Chamber of Deputies.

Members of the LGBT+ community are organized in civil society organizations but few are elected to political positions.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

While lobbying and interest groups exist and work to shape policy, there is little significant intervention by actors who are not democratically accountable in policymaking processes.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Anticorruption laws are generally enforced, though high-level corruption scandals crop up with some regularity. In October 2021, an anticorruption investigation into President Sebastián Piñera was triggered by allegations found in leaked documents known as the Pandora Papers, which sparked an international investigation that exposed offshore financial records of powerful figures across the globe. Information included in the documents led to speculation that Piñera had improperly used his office to benefit from the sale of a mining company; the sale was contingent on the government choosing not to impose environmental restrictions on the mining area. In November, the Chamber of Deputies voted to impeach Piñera; the Senate acquitted him one week later.

C3. Does the government operate with openness and transparency? 4 / 4

The government operates with relative transparency. In 2009 the Transparency and Access to Public Information Law came into force; it increases public access to information and created a Council on Transparency. Agencies have generally been responsive to information requests.

In September 2019 the government replaced the decades-old Copper Law, in what was viewed as a major step toward improving transparency in the wake of a series of corruption scandals involving the armed forces. The previous legislation stipulated that 10 percent of the state-run copper giant Codelco's export sales be channeled to the armed forces without oversight.

CIVIL LIBERTIES: 55 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Guarantees of free speech are generally respected, though some laws barring defamation of state institutions remain on the books. Media ownership is highly concentrated.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for religious freedom, and the government generally upholds this right in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Generally, academic freedom is unrestricted in Chile. In 2019, protesters occupied, vandalized, and looted some universities, forcing several educational establishments to finish the semester early or move classes online. Some academics were publicly harassed, especially on social media. However, in 2020 academic freedom was restored to its previous level.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Chileans enjoy open and free private discussion.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12 (+1)**E1. Is there freedom of assembly? 4 / 4 (+1)**

The right to assemble peacefully has traditionally been widely respected. However, peaceful protest activity that arose in 2019, when people took to the streets to demonstrate against the government and against societal inequality, was severely disrupted by a variety

of factors including people who took advantage of the protest movement's cover to engage in looting, arson, and vandalism; and by widespread police violence and a restrictive state of emergency that was imposed in response to the unrest. Though sporadic protests still occur, both civilian violence and police repression have decreased significantly since 2019.

In September 2021, the government lifted a COVID-19-related state of emergency that had been in effect since March of 2020.

Score Change: The score improved from 3 to 4 because past violent crackdowns on protests were not repeated.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) form and operate without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

There are strong laws protecting worker and union rights, but some limited antiunion practices by private sector employers continue to be reported.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The constitution provides for an independent judiciary, and the courts are generally free from political interference.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The right to legal counsel is constitutionally guaranteed and due process generally prevails in civil and criminal matters. However, indigent defendants do not always receive effective legal representation.

In 2021, the Supreme Court and other courts of appeal ordered authorities to stop numerous deportations of Venezuelans on the basis of international law; these rulings exposed significant violations of due process.

Human rights groups and the United Nations have also criticized the government's use of antiterrorism laws, which do not guarantee due process, to prosecute acts of violence by Mapuche activists.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

While the government has developed mechanisms to investigate and punish police abuses, excessive force and human rights abuses committed by the *carabineros* (the national police) still occur, and such abuses intensified during the social upheaval that started in 2019. The protest movement was also marked by a general state of unrest in many places, as some took advantage of the uprising to commit acts of arson, looting, and other vandalism. Protests, vandalism, and police use of excessive force occurred sporadically throughout 2021, but did not reach the intensity of the unrest seen in 2019.

The government's National Institute for Human Rights (INDH), Human Rights Watch (HRW), and Amnesty International all accused the *carabineros* and the military of perpetrating human rights violations during the protests, including excessive use of force against protesters, as well as torture and sexual abuse of people held in detention.

In 2020, the scale of abuses committed by the security forces fell because of the decline in protests amid the COVID-19 pandemic and associated restrictions, but criticism of

security force tactics continued, and there is no evidence that practices exposed during the 2019 protests have been addressed.

In October 2021, President Piñera declared a state of emergency in the Araucanía and Biobío regions in response to violent clashes between security forces and Mapuche activists. The state of emergency has been extended several times, and remained in place at the end of 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

While Indigenous people still experience societal discrimination and police brutality, their poverty levels have declined somewhat, aided by government scholarships, land transfers, and social spending.

LGBT+ people continue to face societal bias, despite a 2012 antidiscrimination law that covers sexual orientation and gender identity. In November 2018, the president signed a gender-identity law allowing for gender identity to be changed on the civil registry.

In practice, elites benefit from systematic favorable legal treatment, and widespread grievances about social inequality were a major driver of the 2019 protests.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The constitution protects the freedom of movement, and the government respects this right in practice. Freedom of movement was constrained in 2019 due to the roadblocks, damage to train stations, and vandalism associated with the social unrest that began in October. In 2020, the transit impact of civil unrest ceased, and in 2021 the only constraints on freedom of movement stemmed from governmental measures to control the spread of the coronavirus.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals generally have the right to own property and establish and operate private businesses, and do so without interference from the government or other actors. However, Mapuche activists continue to demand greater territorial rights to land, ancestral waters, and natural resources.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not restrict personal social freedoms. Violence against children and women remains a problem. A law against femicide went into force in 2010. The government reported 44 femicides and 163 attempted femicides in 2021.

In 2017, a law introduced by then president Michelle Bachelet that decriminalized abortion in the events of rape, an inviable fetus, or danger to the life of the woman, took effect.

In December 2021, the Chilean Congress approved same-sex marriage by an overwhelming majority. Previously, a 2015 law recognized civil unions for same-sex and different-sex couples.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

While compulsory labor is illegal, forced labor, particularly among foreign citizens, continues to occur in the agriculture, mining, and domestic service sectors.

Although there have been improvements in fighting child labor, minors still suffer commercial sexual exploitation and work unprotected in the agricultural sector. Moreover, there is limited public information about forced child labor.

China

Population: 1,412,300,000

Capital: Beijing

Freedom Status: Not Free

Electoral Democracy: No

Note: The numerical scores and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: China's authoritarian regime has become increasingly repressive in recent years. The ruling Chinese Communist Party (CCP) continues to tighten control over all aspects of life and governance, including the state bureaucracy, the media, online speech, religious practice, universities, businesses, and civil society associations, and it has undermined an earlier series of modest rule-of-law reforms. The CCP leader and state president, Xi Jinping, has consolidated personal power to a degree not seen in China for decades. Human rights activists and lawyers continue to speak out, though at great personal cost.

KEY DEVELOPMENTS IN 2021

- The authorities remained largely successful in containing the COVID-19 virus, but they continued to exploit the pandemic to justify intensified surveillance and control of citizen behavior, and to punish those who provided independent sources of information and criticism about the government's handling of the contagion.
 - Numerous new rules and regulations governing media and the internet came into effect during the year, including measures that tightened restrictions on news dissemination and resulted in the banning of mobile applications used by marginalized groups. Meanwhile, the network of volunteer pro-CCP internet commentators was reported to have grown to 20 million people, in addition to two million others who are paid for their service.
 - New evidence showed that China's top leaders, including Xi Jinping, were directly involved in the design and implementation of the most draconian policies affecting Uyghurs and other ethnic minority groups, including programs aimed at changing demographics in the relevant areas. Rare first-hand accounts from inside detention camps in the Xinjiang Uyghur Autonomous Region revealed systemic sexual abuse and torture of ethnic minority detainees, in addition to credible reports of deaths in custody. The authorities took further steps to forcibly assimilate all ethnic minorities into the dominant Han Chinese national identity, in part by imposing Mandarin as the language of instruction at all educational levels.
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- The authorities continued a years-long crackdown on independent civil society, carrying out arrests and criminal prosecutions of journalists, activists, human rights lawyers, and Chinese and foreign activists who challenged state authority. The persecution of religious practitioners of all backgrounds who refused to submit to oppressive state controls also continued unabated, and the limited space for independent academic discussion and research was subjected to new constraints.
- More aggressive regulatory action against some of the country's largest private firms allowed the authorities to counter monopolistic practices and other perceived economic dysfunctions while also advancing Xi Jinping's goal of bringing the economy more firmly under party and state control.

POLITICAL RIGHTS: -2 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

There are no direct or competitive elections for national executive leaders. The National People's Congress (NPC) formally elects the state president for five-year terms and confirms the premier after he is nominated by the president, but both positions are determined in advance by the top CCP leadership and announced at the relevant party congress. The CCP's seven-member Politburo Standing Committee (PSC), headed by Xi Jinping in his role as the party's general secretary, sets government and party policy in practice. Xi also holds the position of state president and serves as chairman of the state and party military commissions.

Xi was awarded a second five-year term as CCP general secretary at the 19th Party Congress in October 2017, and at the NPC session in March 2018 he was confirmed for a second five-year term as state president. Also at that session, the NPC approved amendments to China's constitution that abolished the two-term limit for the state presidency and vice presidency. In 2021, the top leadership continued to lay the groundwork for Xi to remain in office for a third term or indefinitely.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 3,000 NPC members are formally elected for five-year terms by subnational congresses, but in practice all candidates are vetted by the CCP. Only the NPC's standing committee meets regularly, with the full congress convening for just two weeks a year to approve proposed legislation; party organs and the State Council, or cabinet, effectively control lawmaking decisions. The current NPC was seated in March 2018.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Political positions are directly elected only at the lowest levels. Independent candidates who obtain the signatures of 10 supporters are by law allowed to run for seats in the county-level people's congresses, and elections for village committees are also supposed to give residents the chance to choose their representatives. In practice, however, independent candidates for these posts are often kept off the ballot or out of office through intimidation, harassment, fraud, and in some cases detention.

Elections are not administered by an independent body. The indirect elections that populate people's congresses at various levels are conducted by those congresses' standing committees, while village-level elections are conducted by a village electoral committee that

answers to the local party committee. New vetting criteria and other rules that were put in place for village elections held during 2021 helped to ensure that the villages' elected bodies would be identical in membership to the local party committees, and that the local party secretary would be the elected village chief; the terms of village chiefs were also extended from three years to five.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The CCP effectively monopolizes all political activity and does not permit meaningful political competition. Eight small noncommunist parties are represented in the Chinese People's Political Consultative Conference (CPPCC), an official advisory body, but their activities are tightly circumscribed, and they must accept the CCP's leadership as a condition for their existence.

Citizens who have sought to establish genuinely independent political parties or advocated for democracy are nearly all in prison, under house arrest, or in exile. In 2021, the authorities continued to hold prodemocracy activists and lawyers in various forms of detention. It was reported in August that New Citizens' Movement founder and legal activist Xu Zhiyong, in detention since February 2020, had been formally indicted for "subversion," though he had yet to be tried at year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

China's one-party system provides no institutional mechanism for organized political opposition, and the CCP has ruled without interruption since winning a civil war against the Nationalist Party (Kuomintang) in 1949. While factions within the CCP have always existed, they do not compete openly or democratically, and they remain unaccountable to the public. Xi Jinping has steadily increased his personal power and authority within the party since 2012, and the authorities have become even less tolerant of any expression of dissent.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The authoritarian CCP is not accountable to voters and denies the public any meaningful influence or participation in political affairs. The party uses a broad array of coercive tools and methods to suppress independent political engagement.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The political system is dominated in practice by ethnic Han Chinese men. Societal groups such as women, ethnic and religious minorities, and LGBT+ people have no opportunity to gain meaningful political representation and—as with the rest of the population—are barred from advancing their interests outside the structures controlled by the CCP. Nominal representatives of ethnic minority groups such as Tibetans, Uyghurs, and Mongolians participate in party and state bodies like the NPC, but their role is largely symbolic. Women are severely underrepresented in top CCP and government positions, and the situation has grown slightly worse in recent years. Just one woman was named to the 25-member Politburo at the 19th Party Congress in 2017, down from the previous two. No woman has ever sat on the PSC.

C. FUNCTIONING OF GOVERNMENT: 1 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

None of China's national leaders are freely elected, and the legislature plays a largely rubber-stamp role in policymaking and the development of new laws. The continuing concentration of power in Xi Jinping's hands, an expanding cult of personality centered on Xi, and his regular calls for greater ideological conformity and party supremacy have further reduced the limited space for policy debate, even within the CCP.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Since becoming CCP leader in 2012, Xi has pursued an extensive anticorruption campaign. Well over a million officials have been investigated and punished, according to official figures, including senior state, party, and military officials. However, the campaign is widely believed to have been pursued selectively against Xi's potential rivals. Anticorruption functions are currently managed by the National Supervisory Commission (NSC), which was established through a 2018 merger of existing state and party entities and is tasked with enforcing political and ideological discipline in addition to compliance with the law.

While anticorruption efforts have generated a chilling effect among officials and reduced ostentatious displays of wealth, corruption remains rooted in the one-party system, which does not tolerate the institutions necessary for effectively addressing graft, including a free press, independent civil society groups, and impartial courts.

C3. Does the government operate with openness and transparency? 0 / 4

The Chinese government and the CCP are notoriously opaque. Regulations on "open government" do not effectively compel local party and state organs to share critical data or respond to citizen requests. Under Xi Jinping's leadership, the government has developed increasingly sophisticated methods for controlling the diffusion of information and shaping public discourse. In 2021 the authorities continued to suppress information about their management of COVID-19, to spread disinformation about the pandemic, and to punish those who sought to report truthfully about the situation.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION**Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0**

Despite growing international condemnation, the government continued in 2021 to aggressively pursue policies that are altering the demographics of ethnic minority regions, especially Xinjiang, Tibet, and Inner Mongolia. New analysis provided strong evidence that China's top leaders, including Xi Jinping, were directly involved in the design and implementation of the most draconian of these policies.

The ongoing detention of more than one million Uyghurs and other Muslims in internment camps or forced-labor facilities in Xinjiang continued to limit birth rates among those communities. Rare first-hand accounts from inside the camps that were made public by international media during 2021 pointed to systemic sexual abuse and torture of detainees. Uyghur and other Muslim women in Xinjiang, particularly those with two or more children, are subject to a program of forced sterilization, and "surplus rural laborers" in both Xinjiang and Tibet have been relocated en masse by the authorities. Despite the government's claim that the relocations are voluntary and beneficial to participants, the evidence suggests

conditions that are tantamount to forced labor, with members of ethnic minorities housed separately in prison-like environments, subjected to political indoctrination, and economically exploited. The government also promotes policies intended to attract Han Chinese migrants to ethnic minority regions. Programs aimed at encouraging marriages between Han Chinese and members of ethnic minorities through financial and other incentives are meant to further dilute minority identities.

The authorities have increasingly sought to undermine minority cultures and identities across the country, not just in Uyghur, Tibetan, and Mongolian areas. In August 2021, the Ministry of Education issued notification of a new policy requiring all preschools in China to make Mandarin Chinese the language of instruction, deepening its push to impose Mandarin as the dominant language at all educational levels. Increasing numbers of ethnic minority children in Xinjiang and Tibet have been separated from their parents and forced to attend state-run boarding schools, where Mandarin is the sole language of instruction and where students are subject to intense political indoctrination. Those who protest are subject to detention and other forms of punishment.

CIVIL LIBERTIES: 11 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 1 / 16

D1. Are there free and independent media? 0 / 4

China is home to one of the world's most restrictive media environments and its most sophisticated system of censorship, particularly online. The CCP maintains control over news reporting via direct ownership, accreditation of journalists, harsh penalties for comments that are critical of party leaders or the CCP, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of smartphone applications from the domestic market, and mass deletion of social media posts and user accounts that touch on banned political, social, economic, and religious topics. Thousands of websites have been blocked, many for years, including major news and social media hubs like the *New York Times*, the British Broadcasting Corporation (BBC), YouTube, Twitter, and Facebook.

Numerous new rules and regulations governing the media and internet usage came into effect during 2021, including measures that restricted news dissemination and contributed to the banning of mobile apps focused on minority languages, Bible content, and foreign-language learning, among other topics. Censors also removed large numbers of social media groups, accounts, or posts that dealt with LGBT+ issues, financial advice, critical views of CCP history, and celebrities.

According to the Committee to Protect Journalists, 50 journalists were behind bars in China in connection with their work as of December 2021, though the actual number of people held for uncovering or sharing newsworthy information is far greater. The authorities subjected the renewal of both Chinese and foreign journalists' press cards to heightened scrutiny and political criteria. BBC China correspondent John Sudworth was forced to leave China in March following his reporting on Xinjiang, having faced harassment and a harsh smear campaign against him in state media.

Early in the year, the Central Propaganda Department banned the posting of news-related information by anyone without a license, effectively raising the risks of engaging in any current-affairs commentary. Numerous citizen journalists and bloggers were detained, disappeared, or criminally charged during 2021 for their reporting and online posts. The government set up a tip line for people to report critical comments about the party and state. Meanwhile, the country's network of pro-CCP volunteer internet commentators was

reported to have grown to 20 million people, in addition to two million others who are paid for their service.

Zhang Zhan, a citizen journalist and former human rights lawyer who was sentenced to four years in prison in December 2020 for “picking quarrels and stirring up trouble” through her reporting from Wuhan on the COVID-19 pandemic, was said to be close to death in late 2021 after months of hunger striking to protest her imprisonment. The whereabouts of others detained for their reporting early in the pandemic remained unknown.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The CCP regime operates a multifaceted apparatus to control all aspects of religious activity, including by vetting religious leaders for political reliability, placing limits on the number of priests, requiring ideological conformity within religious doctrine, and installing security cameras inside religious establishments. Certain religions and religious groups, including Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners, and Christian “house churches,” are persecuted particularly harshly. In Xinjiang, children under 18 cannot enter mosques or receive religious instruction. Peaceful religious practices are routinely punished under charges of “religious extremism,” resulting in detention, prison sentences, and indoctrination for many Uyghur, Kazakh, and Hui Muslims. However, all religious groups must go through a rigorous process of certification to be officially recognized by the authorities, with those that refuse to do so being labeled illegal and persecuted, including independent Buddhist groups. Even recognized groups and their places of worship are being forced to visibly conform to the CCP’s interpretation of “Chinese culture” as part of the regime’s broader effort under Xi Jinping to assimilate minority groups. Hundreds of Buddhist, Taoist, and folk-religion temples across China have also been completely or partially demolished by authorities in recent years.

The government has expanded the use of mobile “transformation” units, which subject members of illegal religious groups to severe psychological and physical torture intended to force them to “transform” by renouncing their religious beliefs. Thousands of members of such illegal groups are also sentenced to long prison terms and illegal forms of detention, in which torture and ill-treatment are routine. Dozens of Falun Gong practitioners were reported to have died in custody, or shortly after their release, during 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is heavily restricted, and the space for academic discussion and research that departs from CCP guidelines has been reduced further in recent years. Efforts to police classroom discussions have increased at all levels of education, including via installation of surveillance cameras in some classrooms, large-scale recruitment of student informants, and the creation of special departments to supervise the political thinking of teaching staff. The CCP controls the appointment of top university officials, and a revised set of rules issued in April 2021 gave greater formal authority over university administration to CCP committees and party branches. Many scholars practice self-censorship to protect their careers and personal safety.

Political indoctrination, including the study of “Xi Jinping Thought,” is a required component of the curriculum at all levels of education. Increased government funding to support research promoting party ideology has spurred the establishment of dozens of centers dedicated to “Xi Jinping Thought.” A number of universities have formally removed references to “freedom of thought” from their charters in recent years, replacing them with pledges of

loyalty to the CCP. Professors and students face reprisals—ranging from censored writings, travel restrictions, and demotions to arrest and imprisonment—for expressing views that are deemed critical of the CCP’s governance and Xi’s leadership. Geng Xiaonan, a publisher, was sentenced in February 2021 to three years in prison for publicly expressing support for Xu Zhangrun, a Tsinghua University law professor who had been detained and dismissed in 2020 in connection with publications that criticized Xi’s authoritarian policies.

The government issued sweeping new restrictions on the country’s \$100 billion private school and tutoring industry in July, sharply limiting the operations, educational content, and foreign contacts of such services.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Citizens continue to be charged and sentenced to sometimes long prison terms for critical or satirical social media posts on a variety of subjects. Among numerous other recent cases, Niu Tengyu was sentenced to 14 years in prison in December 2020 after a photo of Xi Jinping’s daughter was posted on the online portal he administered. It was reported in June 2021 that blogger Qiu Ziming had been sentenced to eight months in prison for “defaming martyrs” by questioning official information about military deaths near the border with India. In addition to criminal punishment, internet users face account deletions, job dismissals, arbitrary detention, and police interrogation in response to politically sensitive or simply humorous comments made on social media platforms.

The government’s ability to monitor citizens’ lives and communications has increased dramatically in recent years, inhibiting online and offline conversations. Social media applications like WeChat closely monitor user discussions to ensure conformity with government content restrictions. Surveillance cameras, now frequently augmented with facial-recognition software, cover many urban areas and public transportation, and these networks are expanding into rural regions. Devices used by police to quickly extract and scan data from smartphones, initially deployed in Xinjiang, have spread nationwide.

Police have access to the personal details of broad categories of individuals. China’s Cybersecurity Law obliges companies to store Chinese users’ data within the country and submit to often intrusive security reviews. Telecommunications companies are required to obtain facial scans of new internet or mobile phone users as part of the real-name registration process.

Electronic surveillance is supplemented with offline monitoring by neighborhood party committees, “public security volunteers” who are visible during large events, and an especially heavy police presence in places like Xinjiang. The ability of Uyghurs and members of other Muslim minority groups in Xinjiang to express themselves freely, even in private, has been further undermined in recent years by a policy of having Chinese officials live in their homes to monitor and indoctrinate them.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

The constitution protects the right of citizens to demonstrate, but in practice protesters seldom obtain approval and risk punishment for assembling without permission. Spontaneous demonstrations have provided some outlet for local grievances, though they are increasingly met with police violence and criminal prosecution rather than limited concessions by officials. Solitary protests—in which an individual holds a placard in public, for example—can be criminally punished. Activist Zhang Wuzhou was sentenced to two years and nine months in prison in March 2021 for holding up a sign to denounce the harsh

national security law imposed on Hong Kong and to commemorate the 1989 Tiananmen Square massacre. Armed police have been accused of opening fire during past protests, particularly in Xinjiang.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The crackdown on civil society in recent years has largely deprived both Chinese and foreign nongovernmental organizations (NGOs) of meaningful autonomy, especially for those whose work relates to human rights and governance. The space for organizations to operate without formal registration, long a common practice, has also been reduced. Nearly all prominent NGOs that focused on policy advocacy, including in previously less politically sensitive areas, have been shuttered under government pressure in recent years. Hundreds of thousands of NGOs are formally registered, but many effectively operate as government-sponsored entities and focus primarily on service delivery.

The law requires foreign NGOs to find a Chinese sponsor and register with the Ministry of Public Security, and police have the authority to search NGOs' premises without a warrant, seize property, detain personnel, and initiate criminal procedures. A list of sponsoring Chinese entities documented by the ChinaFile NGO Project indicated a heavy presence of state and CCP-affiliated organizations. The number of foreign NGOs that choose to deregister rather than attempt to comply with the law has increased each year since it took effect in 2017.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The only legal labor union organization is the government-controlled All-China Federation of Trade Unions (ACFTU), which has long been criticized for failing to properly defend workers' rights, but has reportedly become even less of an ally to workers in recent years. Worker efforts to organize independent trade unions are swiftly shut down by authorities, and the activists involved face harsh penalties. Chen Guojiang, who led an effort to organize delivery workers, was detained in February 2021 and faced criminal charges, though his whereabouts and status were not publicly known at year's end. Despite the risks, workers continue to engage in largely spontaneous strikes, with nearly 1,100 recorded during 2021.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 1 / 4

The CCP dominates the judicial system, with courts at all levels supervised by party political-legal committees that have influence over the appointment of judges, court operations, and verdicts and sentences. CCP oversight is especially evident in politically sensitive cases, and most judges are CCP members. Judges are expected to conform to CCP ideology and uphold the party's "absolute leadership" of the courts.

Incremental reforms aimed at improving judicial performance and increasing the courts' transparency, professionalism, and autonomy from local authorities were introduced in 2014, but they have been undercut by the principle of party supremacy over the judiciary. Many judges complain about local officials interfering in cases to protect powerful litigants, support important industries, or avoid their own potential liability. The reported disappearance of millions of court rulings from an online database in 2021 cast further doubt on the judiciary's commitment to transparency.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Reforms to the criminal justice system in recent decades were ostensibly meant to guarantee better access to lawyers, allow witnesses to be cross-examined, and establish

other safeguards to prevent wrongful convictions. However, violations of due process are widespread in practice. Criminal trials are frequently held in secret, and the conviction rate is estimated at 98 percent or more. While adjudication of routine civil and administrative disputes is considered more fair, cases that touch on politically sensitive issues or the interests of powerful groups are subject to decisive “guidance” from political-legal committees.

Prosecutions rely heavily on confessions, many of which are obtained through torture, despite laws prohibiting such practices. Forced confessions are often televised. A multiyear crackdown on human rights lawyers has left defendants without effective or independent legal counsel, while the lawyers affected are either in jail, under house arrest, or unable to continue their work.

Extrajudicial forms of detention remain widespread, with detainees commonly held incommunicado. The use of “residential surveillance in a designated location,” which allows the police to hold individuals in secret detention for up to six months, has increased in recent years, with more than 6,000 people estimated to be held under this system by 2019.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Conditions in places of detention are harsh, with reports of inadequate food, regular beatings, and deprivation of medical care. In addition to their use to extract confessions, torture and other forms of coercion are widely employed to force political and religious dissidents to recant their beliefs. Security agents routinely flout legal protections, and impunity is the norm for police brutality and suspicious deaths in custody. Citizens and lawyers who seek redress for such abuse often meet with reprisals or imprisonment. In April 2021, anti-corruption activist Guo Hongwei died in a prison hospital under suspicious circumstances while serving a 13-year prison sentence.

The government has gradually reduced the number of crimes that carry the death penalty, though the total was still more than 40 as of 2021. It is estimated that thousands of people are executed each year; the actual figure is considered a state secret. Despite the government’s claim that it has ended the transplantation of organs from executed prisoners, the scale and speed of the transplantation industry far exceed what is feasible via the country’s nascent voluntary donation system. In June 2021, a group of UN human rights experts expressed alarm over ongoing reports of organs being procured from “minorities, including Falun Gong practitioners, Uyghurs, Tibetans, Muslims, and Christians, in detention in China.”

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Chinese laws formally prohibit discrimination based on nationality, ethnicity, race, gender, religion, or health condition, but these protections are often violated in practice. Several laws bar gender discrimination in the workplace, and some indicators of gender equality have reportedly improved over the past decade. Nevertheless, bias remains endemic, including in job recruitment and college admissions. Women’s rights activists and individuals involved in the #MeToo movement against sexual harassment and assault have themselves faced harassment, detention, and in some cases criminal prosecution. After tennis star Peng Shuai accused former PSC member Zhang Gaoli of sexual assault on social media in November 2021, she disappeared from public view, only to reappear in tightly controlled settings and effectively disavow her original allegations; the topic remained heavily censored amid widespread concern about Peng’s well-being at year’s end.

Members of ethnic and religious minority groups, LGBT+ people, people with disabilities, and people with illnesses such as HIV/AIDS and hepatitis B also face discrimination

in employment and access to education. Members of religious and ethnic minorities are disproportionately targeted and abused by security forces and in the criminal justice system. In addition to being held in extrajudicial detention in larger numbers, members of these communities tend to be sentenced to longer prison terms than Han Chinese convicts.

Despite China's international obligation to protect the rights of asylum seekers and refugees, law enforcement agencies continue to repatriate North Korean defectors, who face imprisonment or execution upon return.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Despite the government's stated commitment to reforming the *hukou* (household registration) system, it continues to prevent roughly 290 million internal migrants from enjoying full legal rights as residents in the cities where they work. Recent partial reforms still leave a large majority of migrants without equal rights or full access to the same social services enjoyed by urban residents, such as education for their children in local schools.

Police checkpoints throughout Xinjiang limit residents' ability to travel or even leave their hometowns. As in the previous year, pandemic-related controls in 2021 included abusive enforcement methods, and some lockdowns reportedly failed to accommodate residents' needs for food and other basic provisions. Local governments continued to employ the Social Credit System, designed to rate citizens' trustworthiness using a wide range of data, as well as mandatory "health code" mobile apps intended to combat COVID-19, to deny people access to air and train travel, medical facilities, and other public services and spaces based on arbitrary or opaque criteria. While China's constitution gives individuals the right to petition the government concerning a grievance or injustice, in practice petitioners are routinely intercepted in their efforts to travel to government centers, forcibly returned to their hometowns, or extralegally detained in "black jails," psychiatric institutions, and other sites.

Millions of people are affected by government restrictions on their access to foreign travel and passports, with Uyghurs and Tibetans experiencing the greatest difficulty. Many overseas Chinese nationals who engage in politically sensitive activities abroad are at risk of being prevented from returning to China, while those who seek refuge abroad may face forced repatriation and arrest.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The authorities dominate the economy through state-owned enterprises in key sectors such as banking and energy, through state ownership of land, and through political and regulatory control. Chinese citizens are legally permitted to establish and operate private businesses. However, all enterprises are vulnerable to political interference, arbitrary regulatory obstacles, debilitating censorship, negative media campaigns, demands for bribes, and other forms of corruption. A 2021 government crackdown on private businesses, particularly large technology and social media firms, was ostensibly aimed at curbing monopolistic practices, uncontrolled growth, and other economic ills, but it effectively brought the private sector more firmly under CCP control.

Property rights protection remains weak. Urban land is owned by the state, with only the buildings themselves in private hands. Rural land is collectively owned by villages. Farmers enjoy long-term lease rights to the land they work, but they have been restricted in their ability to transfer, sell, or develop it. Low compensation and weak legal protections

have facilitated land seizures by local officials, who often evict residents and transfer the land rights to developers. Corruption is endemic in such projects, and local governments rely on land development as a crucial source of revenue.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The government further adjusted family-planning regulations in 2021, allowing all married couples to have up to three children rather than two, though officials retained their authority to regulate reproduction and reportedly began applying pressure for more births to stave off population decline. While ethnic minority couples were already permitted to have up to three children prior to 2021, in practice ethnic Tibetans as well as Uyghurs and other Muslims in Xinjiang are subject to abusive policies aimed at limiting their reproduction.

Domestic violence continues to affect one-quarter of Chinese women, according to official figures, despite laws criminalizing the behavior. Activists have complained that the law does not criminalize spousal rape, and that it remains extremely difficult for victims to win court cases.

Chinese law defines marriage as the union between a man and a woman, denying marriage rights to same-sex couples. Muslims in Xinjiang face restrictions and penalties related to aspects of their appearance with religious connotations, such as headscarves on women or beards on men.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

While workers in China are afforded important protections under existing laws, violations of labor and employment regulations are widespread. Exploitative employment practices such as wage theft, excessive overtime, student labor, and unsafe working conditions are pervasive in many industries. Forced labor and human trafficking are common, affecting internal migrants as well as Chinese nationals who are trafficked abroad. Forced labor is the norm in prisons and other detention facilities.

Colombia

Population: 50,900,000

Capital: Bogotá

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Colombia is among the longest-standing democracies in Latin America, but one with a history of widespread violence and serious human rights abuses. Public institutions have demonstrated the capacity to check executive power, and the country's main left-wing guerrilla group signed a peace accord in 2016. Nonetheless, Colombia faces enormous challenges in consolidating peace and guaranteeing political rights and civil liberties outside of major urban areas.

KEY DEVELOPMENTS IN 2021

- With over 5 million cases and approximately 130,000 deaths reported by the government by the end of 2021, Colombia remained severely afflicted by the COVID-19 pandemic, with cases and deaths peaking in mid-2021.
-

- The peace accord signed in 2016 between the government and the left-wing Revolutionary Armed Forces of Colombia (FARC) rebel group remained intact during the year, but implementation delays resulting from insufficient resources and political will, along with the continued rearming of some former rebels, prompted concern about the pact's durability.
- A wave of protests powered by numerous grievances against the government swept the country between April and June, resulting in dozens of dead protesters, widespread property damage, and numerous accusations of human rights abuses, including by the authorities.
- A multiyear wave of lethal attacks against human rights defenders and other social activists continued throughout 2021. Scores of activists were murdered, many from marginalized Indigenous and Afro-Colombian communities. The perpetrators of such crimes generally enjoyed impunity.

POLITICAL RIGHTS: 29 / 40**A. ELECTORAL PROCESS: 10 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is directly elected to a four-year term. As part of a series of 2015 constitutional amendments, presidential reelection was eliminated.

No candidate garnered an outright majority in the first round of the 2018 election; following a polarized runoff campaign, President Iván Duque of the right-wing Democratic Center (CD) party defeated left-wing former Bogotá mayor Gustavo Petro with 54 percent of the vote. The balloting was considered competitive and credible, though election observers logged sporadic reports of vote buying and other violations in both the first and second rounds.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Congress is composed of the Senate and the Chamber of Representatives, with all seats up for election every four years. The nation at large selects 100 Senate members using a proportional representation system; two additional members are chosen by Indigenous communities, one seat is awarded to the runner-up in the presidential election, and another five seats were reserved in 2018 and 2022 for the FARC under the peace accord. For the 2022 elections, the Chamber of Representatives will consist of 188 members: 161 are elected by proportional representation in multimember districts, two chosen by Afro-Colombian communities, one each by Indigenous and expatriate voters, one seat reserved for the runner-up vice presidential candidate, five seats reserved for the FARC, and 16 seats reserved for representatives of victims of the country's internal conflict; the latter were instituted following an August 2021 law implementing a peace accord provision.

The March 2018 legislative elections were relatively peaceful, though observers noted accusations of fraud, vote buying, and connections between candidates and organized crime figures. Senate seats were dispersed, with six parties winning 10 or more seats, led by Duque's CD with 19. In the Chamber of Representatives, five parties won 21 or more seats, led by the Liberal Party with 35; the CD garnered 32 seats. In its first balloting as a legal party, the FARC took no seats aside from the five guaranteed to it in each chamber.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The legal framework generally allows for competitive balloting in practice, though the nine-member National Electoral Council (CNE)—which oversees the conduct of the country’s elections, including the financing of political campaigns and the counting of votes—has faced criticism for ineffective enforcement of electoral laws, blamed in part on the partisan selection system for its members. In advance of the 2022 elections, Congress voted in October 2021 to suspend a law that constrains public contracting during electoral periods, raising concerns about the diversion of state resources for electoral purposes.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Colombia’s historically rigid two-party system has undergone a protracted process of realignment and diversification in recent years. The 2018 elections brought into the legislature a mix of parties from the left, right, and center. This balance, coupled with intraparty splits, left Duque with an unstable governing coalition in each legislative chamber, though the government has maintained a fragile working majority during most its term. The FARC—whose leaders changed the party’s name to Commons (Comunes) in January 2021—reorganized as a political party in 2017, but has made negligible electoral advances.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Democratic transfers of power between rival parties are routine at both the national level and in many regions, though significant areas remain under the long-term control of machine-style political clans with ties to organized crime. Petro’s performance in the 2018 presidential election marked the strongest showing for the political left in a modern presidential campaign, and a number of candidates from outside traditional parties were able to win regional-level races in 2019. Numerous prominent politicians occupy the political space between the extremes of Petro and the CD, and in 2021 jockeying mounted among the numerous candidates in the 2022 elections, most of whom joined coalitions representing the right, left, or center.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Despite the peace accord with the FARC, activity by the smaller National Liberation Army (ELN) leftist guerrilla group, the successors of previously disbanded right-wing paramilitary groups, so-called “dissident” FARC members, and criminal gangs has continued to impair the ability of citizens in some areas to participate freely in the political process.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities 3 / 4

Lighter-skinned Colombians occupy a disproportionate share of government posts. While progress remains slow, the government has undertaken a series of steps to incorporate Indigenous and Afro-Colombian voices into national political debates in recent years. The 2016 peace accord included provisions for improving consultation mechanisms for marginalized groups, but issues affecting Afro-Colombians and Indigenous groups are rarely priorities in national policymaking.

Women enjoy equal political rights, and at least 30 percent of the candidates on party lists must be women. About 20 percent of the seats in each congressional chamber are

currently held by women, and Vice President Marta Lucía Ramírez is a woman. Colombia's Congress has historically disregarded women's issues, but in 2021 legislators passed several laws intended to improve social and economic conditions for women, including on issues of family violence and employment opportunities.

In October 2019, Green Alliance and former senator candidate Claudia López won the mayorship of Bogotá, becoming the city's first woman and first openly gay mayor.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials generally determine government policy without interference. However, the Colombian state has long struggled to establish a secure presence in all parts of its territory, meaning threats from guerrilla groups and criminal gangs can disrupt policymaking and implementation in certain regions and localities. The peace accords ended FARC control of significant territory, but since 2017 nonstate armed actors have filled the void in many regions, with FARC dissidents and paramilitary successors expanding the territory in which state authority is absent or mainly limited to coca-eradication efforts.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption occurs at multiple levels of public administration. Graft scandals have emerged in recent years within an array of federal agencies, but investigations do result in convictions, including against senior officials.

A multicountry bribery scandal centered on the Brazilian construction firm Odebrecht led to charges in 2017 and 2018 against two senators and multiple former legislators and bureaucrats, while also drawing attention to the role of corruption in campaign finance. Whistleblowers lack sufficient legal protection, and a proposed legislative remedy failed to pass Congress in 2021. Following revelations of large-scale graft scheme involving contracts for rural internet access, close Duque adviser and Minister of Communications and Information Technology Karen Abudinen resigned in September 2021, and several members of Congress were placed under investigation.

C3. Does the government operate with openness and transparency? 3 / 4

Government information is generally available to the public, though information related to military and security affairs, as well as criminal justice processes, can be difficult to access. In 2021 transparency watchdogs continued to note shortcomings in government data regarding disbursement and oversight of COVID-19-related emergency spending, which had spawned numerous graft allegations in 2020.

CIVIL LIBERTIES: 35 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 2 / 4

The constitution guarantees freedom of expression, and opposition views are commonly aired in the media. However, journalists face intimidation, kidnapping, and violence both in the course of reporting and in retaliation for their work. The government has prosecuted several notorious cases of murdered journalists in recent years, but convictions are rare. Local press watchdog Foundation for Press Freedom registered hundreds of threats and attacks—more than half of which were attributed to police and soldiers—linked to the protest wave that began in April. Free expression groups including the Committee to Protect Journalists (CPJ) also harshly criticized the government for a March attempt to undermine

an Inter-American Court of Human Rights case involving state responsibility for the 2000 kidnapping, sexual assault, and torture of journalist Jineth Bedoya; in October the Court issued a ruling that confirmed state responsibility.

Self-censorship is common, and slander and defamation remain criminal offenses. The government does not restrict access to the internet, nor does it censor websites. Twitter and other social media platforms have become important arenas for political discourse, but large areas of Colombia remain without local news coverage. In May 2021, media watchdog groups criticized an online “cyberpatrol” campaign organized by the Ministry of Defense that labeled scores of social media posts regarding police behavior during the national strike “fake news” and “digital terrorism.”

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of religion, and the government generally respects this right in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. University debates are often vigorous, though armed groups maintain a presence on some campuses to generate political support and intimidate opponents.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individual expression is generally protected in major urban centers, but it remains inhibited in more remote areas where the state, insurgents, and criminals vie for control.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4 (-1)

Although provided for in the constitution, freedom of assembly is restricted in practice by violence. In recent years a series of large-scale protests have erupted, including a wave that swept the country between April and June 2021 and became known as the national strike. Sparked by a tax reform viewed as regressive, the protests grew to encompass a range of grievances, including economic despair and police brutality. Most protests were peaceful, but in several cities protesters destroyed property and erected blockades that disrupted supplies of essential goods and services. The police responded with what domestic and international rights observers characterized as serious human rights abuses, particularly in Cali, the epicenter of the protests. The local office of the UN High Commissioner for Human Rights tallied at least 44 protesters killed, with at least 28 of those deaths attributed to the police, while Human Rights Watch (HRW) registered hundreds of other rights violations, including assaults, sexual violence, and scores of arbitrary detentions. Two police officers also died, and hundreds were injured. The government acknowledged abuses and prosecutors opened numerous investigations into police abuses, but officials also repeatedly used terms like “terrorism” to portray protesters, blamed the unrest on armed infiltrators, and downplayed the scale of rights violations. In December 2021, Congress approved the Citizen Security Law, which human rights advocates claimed could exacerbate unjust treatment of protesters.

Score Change: The score declined from 2 to 1 because security forces responded to protests between April and June with severe violence that resulted in significant human rights abuses, including killings, sexual assaults, and numerous arbitrary detentions.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The legal framework generally supports nongovernmental organizations, and civil society is diverse and active, but the threat of violent reprisal poses a major obstacle to freedom of association. While the government provides protection to thousands of threatened human rights workers, trust in the service varies widely. Hundreds of activists have been murdered in recent years, mostly by insurgents or the criminal organizations that succeeded demobilized right-wing paramilitary groups; impunity is widespread, with indictments and convictions occurring in only a small minority of cases.

Although the Duque administration has reiterated its respect for civil society groups and repeatedly committed to developing more effective protection policies, violations against activists have continued at a high level. Local human rights group Indepaz registered 171 killings of social leaders and human rights defenders during the year. Among the most frequent victims are land rights, victims' rights, and ethnic and Indigenous rights advocates targeted by illegal armed groups and other powerful interests seeking to control local illicit economies or halt the implementation of rural development plans, especially coca substitution programs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers may form and join trade unions, bargain collectively, and strike, and antiunion discrimination is prohibited. Over the past three decades, Colombia's illegal armed groups have killed thousands of union activists and leaders. Killings have declined substantially from their peak in the early 2000s, though 22 trade unionists were murdered between April 2020 and March 2021, according to the International Trade Union Confederation (ITUC). A special prosecutorial unit has substantially increased prosecutions for such assassinations since 2007, but few investigations have targeted those who ordered the killings.

F. RULE OF LAW: 9 / 16**F1. Is there an independent judiciary? 3 / 4**

The justice system remains compromised by corruption and extortion. The Constitutional Court and the Supreme Court have consistently exhibited independence from the executive, though corruption allegations involving members of both courts have damaged their credibility in recent years. In March 2021, a former Supreme Court chief justice was convicted of corruption and sentenced to 19 years in prison.

The Constitutional Court has repeatedly been asked to mediate polarizing political disputes, especially with respect to the Special Jurisdiction for Peace (JEP), a parallel judicial tribunal that lies at the heart of the 2016 peace accord's transitional justice system. Critics of the peace accord, led by former president Álvaro Uribe, have repeatedly called for shutting down the JEP, though in August 2021 Uribe shifted, proposing a general amnesty for crimes by both state and nonstate actors. In August 2020, the Supreme Court ordered Uribe confined to house arrest amid a witness tampering and bribery investigation. He subsequently resigned from the Senate, leading to the transfer of the case to the attorney general's office, and was granted conditional release; proceedings continued throughout 2021.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Colombia's prosecutorial service is relatively professional, but watchdog groups suggest that key oversight institutions, including the Attorney General's Office, have become less independent during the Duque administration. Due process protections remain weak, and trial processes move very slowly, though a judicial reform passed in June 2021 included

provisions intended to accelerate legal processes. The two key transitional justice bodies, the JEP and the Truth Commission, began operations in 2018; by late 2021 they had amassed enormous volumes of evidence and received testimony from thousands of people. In 2021, the JEP issued its first indictments: eight former FARC members were charged with kidnapping in January, and 10 soldiers, including several senior officers, were indicted for extrajudicial executions in July. However, uncertainty remains about the extent to which the bodies will be able to render a comprehensive historical and judicial accounting of Colombia's conflict.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Many soldiers operate with limited civilian oversight, though the government has in recent years increased human rights training and investigated violations by security forces personnel. Collaboration between security forces and illegal armed groups has declined, but rights groups report official toleration of paramilitary successor groups in some regions. The police lack necessary resources, some units are prone to abuse, and police are largely absent from many rural areas where the most dangerous groups are active. The rights abuses committed by police during the national strike in 2021 prompted calls for deep institutional changes, including removal of the police from the Ministry of Defense. In December 2021 Congress passed a reform package strengthening police disciplinary structures, but rights groups described the changes as insufficient.

Civil-military relations have been a source of significant tension in recent years. A portion of the armed forces opposed the peace process, and the ability of accused human rights violators within the military to receive benefits under the transitional justice system is one of the most controversial elements of the process. In February 2021 the JEP released a report stating that the systematic killing of civilians to fraudulently inflate guerrilla death tolls had resulted in as many as 6,400 murders by the military between 2002 and 2008, nearly tripling previous official figures. Such killings plummeted after the scandal was exposed, but scandals involving both corruption and rights violations have continued to buffet the military, including the bombing of a FARC dissident camp in March 2021 that killed several minors.

Some parts of the country, particularly resource-rich zones and drug-trafficking corridors, remain highly insecure. Remnant guerrilla forces—including both the ELN and dissident factions of the FARC—and paramilitary successor groups regularly abuse the civilian population, especially in coca-growing areas. A general conflict fragmentation and intensification has affected some areas, illustrated by a significant rise in the number of people affected by mass displacement—over 64,000 victims in the first 10 months of 2021, according to the United Nations. Massacres, defined as incidents in which three or more people are murdered, have also risen, with local NGO Indepaz registering 96 massacres during the year. Though the acreage under cultivation has stabilized, coca production has reached historic highs in recent years. In October 2021, authorities arrested Colombia's most notorious drug trafficker, Dario Antonio Úsuga (alias "Otoniel"), but many analysts suggested it would do little to upset the thriving cocaine production chain. Impunity for crime in general is rampant, and prison conditions remain harsh.

A steady trickle of former FARC combatants, including several high-ranking members, have returned to clandestine life, alleging government failure to abide by the accord's terms. Indepaz estimated the total number of "dissidents" at around 5,200 as of October 2021; several of the most prominent dissidents were killed during internecine fighting in Venezuela during the year. Although observers characterize reintegration of ex-combatants as partially successful, as of October 2021 the UN Verification Mission reported that 296 demobilized

FARC members had been killed since the peace agreement. Prospects for an accord between the government and ELN rebels remained poor throughout the year amid ongoing violence on both sides of the Colombia-Venezuela border.

Violence overall has significantly subsided since the internal conflict peaked in the early 2000s, but analysts have noted a gradual trend upward since 2017. The national homicide rate rose nearly 20 percent in the first nine months of 2021, with a particularly sharp spike in Cali, the center of the national strike.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The legal framework provides protections against various forms of discrimination based on gender, race and ethnicity, sexual orientation and gender identity, and other categories, and the government takes some measures to enforce these protections. Nevertheless, several vulnerable groups suffer serious disadvantages in practice.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest segment of the more than 7 million people who have been displaced by violence, and Afro-Colombians' income fell significantly amid the economic disruption linked to COVID-19. Areas with concentrated Afro-Colombian populations continue to suffer vastly disproportionate levels of abuse by guerrillas, security forces, and criminal groups, and in 2021 UN officials reported that impunity is nearly absolute for killers of Afro-Colombian and Indigenous ex-combatants and social leaders.

Most of Colombia's Indigenous inhabitants, who make up more than 3 percent of the population, live on approximately 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are highly contested by armed groups. Indigenous people have been targeted by all sides in the country's various conflicts. In 2021, Indigenous communities in the departments of Chocó, Cauca, Valle de Cauca, and Nariño suffered widespread violence and displacement perpetrated by former FARC members, paramilitary successors, and criminal groups, and Indigenous groups encountered racism and violent attacks while participating in the national strike in Cali in May.

Women face employment discrimination and sexual harassment in the workplace, as well as gender-based violence. In June, the Constitutional Court ruled that businesses must take steps to prevent and punish workplace gender violence.

LGBT+ people suffer societal discrimination and abuse, and there are also high levels of impunity for crimes committed against them. According to the governmental ombudsman's office, 21 LGBT+ people were murdered in the first 5 months of 2021.

As many as 1.7 million Venezuelan migrants have entered Colombia in recent years, and the government has offered work permits, access to services, and other accommodations to those who register. The influx created increasing strain in 2020 as public opinion toward migrants hardened amid the economic disruption inflicted by the COVID-19 pandemic. International relief agencies praised a February 2021 government announcement that Venezuelan migrants would be granted long-term temporary protection status, though stigmatization and lack of access to services, including COVID-19 vaccines, remained problems during the year.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement improved substantially in tandem with the peace process, but it remains restricted by ongoing violence in certain regions, particularly for vulnerable minority groups. Travel in some remote areas is further limited by illegal checkpoints operated by criminal and guerrilla groups. These problems were exacerbated in 2020 by a strict official lockdown and the even harsher unofficial lockdown imposed by illegal armed groups. Though restrictions eased in 2021, the United Nations reported tens of thousands of Colombians were subjected to movement restrictions by armed groups. In addition, blockades associated with the national strike inflicted serious disruption to mobility in some areas, particularly around Cali.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Violence and instability in some areas threaten property rights and the ability to establish businesses. Guerrillas, paramilitary successor groups, and common criminals regularly extort payments from business owners. Corruption as well as undue pressure exerted on prosecutors and members of the judiciary can disrupt legitimate business activity.

Progress remains slow on the implementation of the landmark 2011 Victims and Land Law, which recognized the legitimacy of claims by victims of conflict-related abuses, including those committed by government forces. While affected citizens continue receiving compensation and modest progress has been made on land titling, the legal process for land restitution is heavily backlogged, and the resettlement of those who were displaced during the conflict continues to move slowly, with the Duque administration demonstrating limited will to accelerate the process.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms, such as those related to marriage and divorce, are largely respected. In 2016, after several years of contradictory judicial and administrative decisions regarding same-sex unions, the Constitutional Court voted to legalize them. In October 2018 the Constitutional Court reaffirmed a 2006 ruling that allowed abortion in cases of rape or incest, severe fetal malformation, or a threat to the life of the mother, but women continue to face criminal charges for abortion. A prominent case involving the constitutionality of criminal penalties for abortion remained under review at the court at the end of 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Child labor, the recruitment of children by illegal armed groups, and related sexual abuse are serious problems in Colombia; recruitment declined following the peace accord, but has increased since 2020 amid pandemic-related disruption and violence. A 2011 free trade agreement with the United States and a subsequent Labor Action Plan called for enhanced investigation of abusive labor practices and rights violations, but progress remains deficient in several areas. In coca-growing zones, armed groups exert coercive pressure on farmers to engage in coca cultivation and shun crop-substitution programs.

Comoros

Population: 900,000

Capital: Moroni

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Comoros's volatile political history includes coups and attempted coups, though some recent presidential and legislative elections were reasonably well administered. A controversial 2018 referendum introduced major systemic changes, and opponents of the referendum were severely persecuted. Since winning the referendum and securing reelection in 2019, President Azali Assoumani has consolidated power by cracking down on the opposition and limiting press freedom. Systemic corruption and poverty remain problems.

KEY DEVELOPMENTS IN 2021

- President Azali Assoumani was sworn in for a second term in May, after winning reelection in 2019. The 2019 election, which was boycotted by the opposition, was not free or fair, and international election monitors reported that the contest was marred by “significant irregularities.”
- Journalists continued to face harassment, intimidation, and arbitrary arrests throughout the year. In September, the new finance minister, Kamalidine Souef, publicly threatened journalists, declaring that if they ever criticized him, he would have them torn “into pieces.”

POLITICAL RIGHTS: 16 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

Under the 2001 constitution, the president was directly elected for a single five-year term, with eligibility rotating among the main islands of Grande Comore (Ngazidja), Anjouan, and Mohéli. However, a new constitution, approved in a controversial 2018 referendum that was boycotted by the opposition, allows the president to run for two consecutive five-year terms, and abolished the system of rotating power among the islands. The referendum allowed President Azali Assoumani of the Convention for the Renewal of the Comoros (CRC) party to contest and win the March 2019 presidential election, which was also boycotted by the opposition. Azali was sworn in for a second presidential term in May 2021.

The Supreme Court barred seven contestants from participating ahead of election day, including former president Ahmed Abdallah Mohamed Sambi. On election day, the 12 opposition candidates reported that some polling stations opened several hours early, with full ballot boxes. Acts of violence and intimidation were also reported in some regions.

The Independent National Electoral Commission (CENI) initially reported that Azali won the election in the first round with 60.8 percent of the vote, while Ahamada Mahamoudou of the Juwa Party won 14.6 percent; in early April, the Supreme Court validated results stating that Azali earned 59 percent of the vote. The 12 opposition candidates immediately rejected the results. Observers from the African Union (AU), the Common Market for Eastern and Southern Africa, and the East Africa Standby Force, an AU-backed regional defense organization, said the contest was marred by irregularities.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The unicameral Assembly of the Union consists of 24 directly elected members who serve five-year terms. Another 9 members were previously selected by the three islands' assemblies, but those seats were eliminated via a 2019 ordinance.

The 2020 legislative elections, held in two rounds in January and February, were boycotted by the major opposition parties. Progovernment candidates won every seat; the CRC won 20, the allied Orange Party won 2, and progovernment independent candidates won the remaining 2. AU monitors who observed the January round called the contest generally peaceful, but noted a lack of public interest due to the opposition boycott. Opposition groups claimed that first-round turnout stood at 10 percent, rejecting the CENI figure of 61.5 percent. Members of the Comorian diaspora were unable to participate, with the government denying the opposition's calls to ensure their inclusion.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The CENI, while historically able to run credible elections, has faced more recent accusations of bias and corruption.

The 2018 constitutional referendum, which the CENI said passed with 93 percent of the vote, was marred by an opposition boycott. Opposition groups denounced it as an unconstitutional power grab by Azali, and said Azali's dismissal of the Constitutional Court ahead of the vote rendered it illegal. There were also allegations of voter intimidation and fraud. Later, upon facing growing dissent in the parliament, Azali dismissed the CENI's top opposition representative.

The new constitution allows the president to run for two consecutive terms, abolished the system of rotating power among the islands, abolished the three vice-presidential posts (one representing each island), and declared Sunni Islam the national religion. It also transferred the competencies of the Constitutional Court, which was considered impartial in deciding electoral matters, to a new Supreme Court chamber.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

Political parties are mainly formed around specific leaders and draw on island or ethnic bases of support. In the past, parties have generally operated freely, though the government occasionally disrupted opposition parties' activities by denying them meeting and assembly space.

The authorities systematically cracked down on opposition figures who publicly criticized the 2018 constitutional referendum. Though Azali issued pardons to 17 opposition figures in 2019, the government has maintained pressure on the opposition in the aftermath of the 2019 presidential election. Presidential candidates Achmet Said Mohamed and Soilihi Mohamed were briefly detained in March 2019, though both were later released. Soilihi, who led a National Transitional Council (CNT) that unsuccessfully attempted to force Azali from office through civil disobedience and industrial action, agreed to refrain from further involvement after his release that April.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

In the past, numerous opposition parties had a realistic chance of gaining power through elections, though they were impeded by occasional government interference. Allegations of misuse of state resources by incumbents were not uncommon. However, the arrests, convictions, and harsh sentences against opposition leaders who spoke out against the 2018 constitutional referendum hampered the ability of opposition parties to compete in elections. The 2020 legislative elections, which were marred by an opposition boycott, ended with progovernment candidates winning every seat.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

While individuals are generally free to exercise their political choices, the influence of Comoros's powerful army—which cracked down on dissent during the 2018 constitutional referendum—as well as of religious authorities can place pressure on voters and candidates.

The army was used to intimidate and detain opposition figures during and after the 2019 presidential campaign. Gendarmes arrested Soilihi after he announced his CNT involvement that March. Gendarmes also interrogated the spouse of presidential candidate Achmet, who served as a CNT spokesperson, that April.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

There are no laws preventing various segments of the population from enjoying full political rights and electoral opportunities. However, traditional attitudes discourage women from participating in politics. Only four women won legislative seats in the 2020 polls. Legal and societal discrimination against LGBT+ people makes political advocacy for LGBT+ rights difficult.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

According to the constitution, the president decides on the policies of the state, which are executed by the government. However, irregular legislative activity hampered representative policymaking in previous years.

C2. Are safeguards against official corruption strong and effective? 1 / 4

There are reports of corruption at all levels, including within the judiciary, civil service, and security forces. The Azali administration dissolved the National Commission for Preventing and Fighting Corruption in 2016.

In 2018, former president Sambu was arrested for corruption, embezzlement, and forgery in connection with a passport-sales scheme. A parliamentary report revealed that the scheme cost Comoros as much as \$971 million. Sambu remained under house arrest at the end of 2021.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations are characterized by opacity. Various reform initiatives have been unsuccessful. Financial asset disclosures by public officials are not released to the public. Comoros provides no opportunities for public engagement in the budget process.

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16**D1. Are there free and independent media? 1 / 4**

The constitution and laws provide for freedom of speech and of the press. However, the use of censorship laws to prosecute legitimate journalistic work, and other pressure, has prompted widespread self-censorship. Press freedom was restricted in 2018 with the closings of private radio stations, as criticism of Azali and the constitutional referendum gained traction.

Journalistic activity remained restricted throughout 2021, and journalists continued to face harassment and intimidation, including from government officials. In September, the newly appointed finance minister, Kamalidine Souef, warned journalists not to criticize him, saying those who did would be ripped “into pieces.”

Arrests of journalists and bloggers are common. Since 2019, FCBK FM reporter Oubeidillah Mchangama has been arrested several times in relation to his work. In January 2021, Oubeidillah was arrested again, along with journalist Ali Abdou Mkouboi, for allegedly participating in antigovernment protests; both journalists were detained for several days.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Some 98 percent of the population is Sunni Muslim. Sunni Islam was made the state religion in 2018, resulting in wariness of the government among adherents of minority religions. Previously, the state religion had been “Islam”; some observers suggested the change reflected Azali’s efforts to bring Comoros closer to Saudi Arabia and to counter the influence of former president Sambi, who is seen as close to Iran.

Anti-Shia sentiments have been publicly expressed by some government figures, while many Christians keep their faith private to avoid harassment. Proselytizing and public religious ceremonies are prohibited for all religions except Sunni Islam.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Comoros has two types of schools: madrassas, where the Quran is integral, and state-run schools with French instruction. Academic freedom is generally respected, though the education system is sometimes affected by unrest from student protests and teacher strikes. Self-censorship on political topics is reportedly common within the education system.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Private discussion is generally free. However, the legacies of the country’s volatile political history, which involves coups and attempted coups, the opposition crackdown during the 2018 constitutional referendum, authorities’ monitoring of social media during the 2019 presidential campaign, and a one-day shutdown of telecommunications services that March, can discourage people from openly discussing politics in some situations.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12**E1. Is there freedom of assembly? 1 / 4**

Freedoms of assembly and association are constitutionally protected, but these freedoms have been inconsistently upheld, and have deteriorated significantly since 2018. Opposition rallies held before and soon after the March 2019 presidential election were violently dispersed. Public gatherings were banned under COVID-19-related measures in 2020; such measures remained in effect during much of 2021, and had not been lifted at year’s end.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) sometimes face bureaucratic interference, including requirements to secure permits from high-level officials to visit prisons. Some NGO representatives have spoken out against the atmosphere of repression in recent years, but did so at some risk in light of the broad crackdown on dissent.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to form unions, bargain collectively, and strike. In cases of national interest, the government may require essential personnel to return to work. No law prohibits antiunion discrimination or protects workers from retribution for striking. There are some laws that impose mandatory arbitration processes for labor disputes.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The judicial system is based on both Sharia (Islamic law) and the French legal code. Though the law establishes mechanisms for the selection of judges and attorneys, the executive often disregards these and simply appoints people to their positions. Court decisions are not always upheld.

The 2018 referendum abolished the Constitutional Court and established a new constitutional chamber of the Supreme Court. This chamber ruled in favor of the government during the March 2019 election period by barring several candidates from running and by validating the results, despite widespread concerns over voting irregularities.

F2. Does due process prevail in civil and criminal matters? 1 / 4

All defendants have the right to a fair public trial, but they often face lengthy delays. Due-process rights are affected by corruption.

Political figures, including candidates, have been denied due process; 2019 presidential candidates Achmet and Soilihi were arrested for CNT-related activities that March, for example. Former president Sambi's pretrial detention period ended in April 2019 with no progress on pending corruption charges, and he remained under house arrest at the end of 2021.

In May 2020, Inssa "Bobocha" Mohamed was arrested for allegedly attacking President Azali in an unsuccessful bombing the previous month. Bobocha remained in pretrial detention until escaping from prison that November; he was returned to custody in January 2021. In March, the UN called on the government to "immediately reveal the fate and whereabouts" of Bobocha, who was allegedly being held as a "secret prisoner." He had not been tried by year's end.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The law prohibits the illegitimate use of physical force, but security agents have engaged in excessive force, and are generally not held accountable for such behavior. There are questions about the will or capacity of the army to identify and punish abuses within its ranks.

President Azali has been the reported target of violent attacks. In March 2019, Azali was reportedly targeted in a bombing while traveling to a campaign rally, though no one was injured. Azali was also the reported target of an unsuccessful April 2020 bombing

attempt. The authorities reported that a terrorist organization was suspected of orchestrating the incident.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The law provides for equality of persons. However, same-sex sexual activity is illegal, with punishments of a fine and up to five years' imprisonment. Few women hold positions of responsibility in business outside of elite families. Laws requiring that services be provided for people with disabilities are not well enforced.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Internal and external freedom of movement is constitutionally and legally protected. While these rights are generally respected in practice, poverty frequently prevents travel between the islands as well as access to higher education.

The authorities introduced pandemic-related movement restrictions in March 2020, suspending travel to the French territories of Mayotte and Réunion. An overnight curfew was imposed in February 2021 and remained in effect at year's end.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

In accordance with civil and some customary laws, women have equal rights in inheritance matters. Local cultures on Grande Comore and Mohéli are matrilineal, with women legally possessing all inheritable property. However, this is complicated by the concurrent application of Sharia, interpretations of which can limit gender equality. In addition, a poor land-registration system and women's difficulties in securing loans hampers their right to own land.

Endemic corruption and a lack of transparency hampers normal business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Early and forced marriages have been reported in Comoros. The law prohibits domestic violence, but courts rarely fine or order the imprisonment of convicted perpetrators, and women and children rarely file official complaints. Sexual violence and workplace harassment are believed to be widespread, but are rarely reported to authorities.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The Comorian economy, which is primarily agricultural, relies heavily on remittances from Comorian citizens in France. Many young people struggle to find sustainable opportunities for employment. Poverty has driven many people to attempt the dangerous trip to Mayotte.

Government efforts to identify and prosecute human trafficking are minimal, and trafficking cases, if addressed, are often done so through informal mediation processes. These mechanisms have sometimes facilitated the return of trafficking victims to traffickers. However, in August 2021, Comoros ratified the International Labour Organization's (ILO) Forced Labour Protocol, which is designed to "eliminate forced labor," and requires the government to take legal action against traffickers.

Congo, Republic of (Brazzaville)

Population: 5,700,000

Capital: Brazzaville

Freedom Status: Not Free

Electoral Democracy: No

Overview: President Denis Sassou Nguesso has maintained nearly uninterrupted power for over 40 years by severely repressing the opposition. Corruption and decades of political instability have contributed to poor economic performance and high levels of poverty. Abuses by security forces are frequently reported and rarely investigated. While a variety of media operate, independent coverage is limited by widespread self-censorship and the influence of owners. Human rights— and governance-related nongovernmental organizations (NGOs) scrutinize state abuses, but also self-censor to avoid reprisals. Religious figures are also known to self-censor.

KEY DEVELOPMENTS IN 2021:

- In March, President Sassou Nguesso won a fourth presidential term since returning to power in 1997. Sassou Nguesso received 88.4 percent of the vote in a contest marred by a boycott from an opposition group, voter intimidation, and an internet shutdown.
- In February, the Organized Crime and Corruption Reporting Project (OCCRP) revealed that the government had imported several caches of weapons from Azerbaijan between 2015 and 2020, with financial and logistical support from Turkey and Saudi Arabia. Some of the weapons were reportedly used during the government's 2016–17 military campaign in the Pool Region.
- In June, the government forced the Congolese Observatory for Human Rights (OCDH), the country's most active human rights NGO, to dismiss executive director Trésor Nzila Kendet. His dismissal followed a series of OCDH reports that were critical of the government's human rights record.

POLITICAL RIGHTS: 2 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president is directly elected to five-year terms. The 2002 constitution restricted the president to two terms and set an age limit of 70. However, a 2015 constitutional referendum proposed by President Denis Sassou Nguesso removed those restrictions, allowing him to run again. The referendum passed amid widespread protests and claims of fraud.

Sassou Nguesso has held power since 1979, with the exception of a five-year period in the 1990s. In March 2021, he secured a fourth presidential term since returning to power in 1997, winning 88.4 percent of the vote. The election was marked by a boycott from the opposition Pan-African Union for Social Democracy, intimidation, and an internet shutdown. Guy Brice Parfait Kolélas, who died of COVID-19 soon after the election, won 8 percent.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Congo's parliament consists of a 72-seat Senate and a 151-seat National Assembly. Councilors from every department elect senators to six-year terms. National Assembly members are directly elected to five-year terms.

The July 2017 legislative elections were boycotted by several opposition parties amid credible allegations that the vote would be rigged. Sassou Nguesso's Congolese Labor Party (PCT) claimed 96 lower-house seats and its allies won 12 in a process tainted by widespread fraud and low voter turnout. Elections were indefinitely postponed in nine districts in the Pool Region, where the military had been engaged in a campaign against a rebel group accused of launching attacks on Brazzaville.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The 2015 constitutional referendum to increase presidential term limits consolidated the PCT's dominance of the political system by allowing Sassou Nguesso to run for a third term. Elections are administered by the Independent National Electoral Commission, which was established in 2016 and is widely regarded as an instrument of presidential authority.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Political groupings exist, but the government represses those not aligned with the PCT, including by persecuting their leaders. In 2016, opposition leader Paulin Makaya of the United for Congo party was sentenced to two years' imprisonment for inciting disorder over his participation in protests against the constitutional referendum. Makaya was released in 2018 but was blocked from boarding international flights on at least two subsequent occasions. Four members of Embody Hope were arrested in 2019 for endangering state security but were released pending trial in 2020.

Sassou Nguesso's two most prominent opponents in the 2016 presidential election received prison terms after that contest. In 2018, retired general Jean-Marie Michel Mokoko was sentenced to 20 years' imprisonment for threatening state security. In 2019, André Okombi Salissa, who had led the opposition Initiative for Democracy in Congo coalition, was sentenced to 20 years of forced labor for the same charge.

The government banned private campaign contributions in 2016, leaving opposition parties and candidates dependent on limited public financing.

Political parties are sometimes denied registration without cause. During the 2017 legislative campaign, the Yuki party was denied official party status, forcing its candidates to run independently.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

There is little opportunity for the opposition to gain power through elections, and opposition leaders frequently experience harassment, intimidation, and arrest. During the 2016 presidential race, opposition candidates Mokoko and Okombi Salissa were repeatedly harassed during the election campaign and were subsequently imprisoned. During the 2021 electoral period, Kolélas complained of movement restrictions, while authorities cancelled some campaign events.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The Sassou Nguesso government routinely uses military and police forces to intimidate citizens. Employers engage in widespread discrimination in hiring and regarding other decisions, based on political beliefs.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Although there are no legal restrictions on political participation by religion, gender, sexual identity, or ethnic group, members of Sassou Nguesso's northern Mbochi ethnic group occupy key government posts. Insofar as the government includes representatives from other regional and ethnic groups, their ability to shape policy is very limited. The government also routinely suppresses political parties that draw support from Congo's southern regions, which have long opposed Sassou Nguesso.

Women are underrepresented in government, holding just 17 National Assembly seats and 13 Senate seats. Societal constraints limit women's political participation in practice.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Government policy is set by President Sassou Nguesso, who won reelection in a deeply flawed process in March 2021. There is little oversight from the parliament, which is dominated by the ruling PCT and protects the executive from accountability.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is endemic, and domestic prosecutions for corruption are often politically motivated. The president's family and advisers effectively control the state-run National Petroleum Company of Congo (SNPC) without meaningful oversight, and offshore companies are allegedly used to embezzle SNPC funds.

Sassou Nguesso's family has long been dogged by credible allegations of corruption by foreign governments, NGOs, and journalists, prompting demands for accountability from civil society. Denis Christel Sassou Nguesso, the president's son, reportedly faced a money-laundering indictment in France in 2019. In 2020, US prosecutors accused Denis Christel of using SNPC funds to acquire an apartment in Miami.

C3. Does the government operate with openness and transparency? 0 / 4

Government operations are opaque. Although the constitution guarantees access to information, there is no implementing legislation, nor is there a specific law mandating public access to official information. Public procurement procedures are nontransparent. Authorities generally do not publish draft legislation or regulations.

In 2020, Global Witness reported that the SNPC held as much as \$3.3 billion in undisclosed liabilities, some of which resulted from activities unrelated to oil production, while dividends owed to the government had gone missing.

CIVIL LIBERTIES: 14 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16 (-1)****D1. Are there free and independent media? 1 / 4**

While the constitution provides for freedom of speech and press, the government routinely pressures, threatens, and incarcerates journalists. While there are numerous media

outlets, many are owned by government allies who influence their coverage. Widespread self-censorship among journalists discourages independent reporting in practice.

In February 2021, authorities arrested the editor of the satirical *Sel-Piment* newspaper, Raymond Malonga; a relative of President Sassou Nguesso had accused the publication of defamation. In December, *Sel-Piment* director Augias Ray Malonga was arrested in Brazzaville.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Although religious freedom is generally respected, pastors are reticent to make statements that could be construed as hostile to the government. In 2015, the government banned the wearing of the niqab, the full face veil, in public, citing security and terrorism concerns.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is tenuous. Most university professors avoid discussions of or research on politically sensitive topics. In 2018, the government announced that it would ban a book, published in Paris, about widespread human rights abuses perpetrated by the military in the Pool Region between 2016 and 2017.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

The government surveils electronic communications of private individuals and maintains an extensive surveillance apparatus, which includes secret police and local informants. Surveillance is reportedly prevalent in public spaces in Brazzaville and Pointe-Noire. Citizens who speak out against the government are often arrested.

Score Change: The score declined from 2 to 1 because rising surveillance has increased the threat of retaliation for public discussion of sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (-2)

E1. Is there freedom of assembly? 0 / 4 (-1)

The government restricts freedom of assembly. Groups must receive official authorization from local and federal authorities to hold public assemblies, and permission is routinely denied. Government forces sometimes employ violence against protesters or disperse assemblies. In early 2021, the government restricted the size of gatherings nationwide and maintained a nighttime curfew in Brazzaville and Pointe-Noire, using COVID-19 as its justification. Assembly restrictions remained in place as of December 2021.

The government placed a range of restrictions on political gatherings prior to the March 2021 elections. In some cases, officials used COVID-19 measures to justify their actions.

Score Change: The score declined from 1 to 0 because the government maintained a nighttime curfew in some parts of the country, restricted the size of public assemblies, and restricted political gatherings during the electoral period.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4 (-1)

Although the constitution guarantees freedom of association, NGOs must register with the Interior Ministry. Those critical of the government often encounter a more burdensome registration process. Arbitrary arrests of civil society figures have continued in

recent years, contributing to a reduction in activity. Groups still operating commonly curtail reporting on human rights abuses, or word criticism of authorities carefully, in order to avoid reprisals or harassment.

In March 2021, police arrested Alexandre Ibacka Dzabana, a prominent human rights activist, near his home. In June, the government forced the OCDH to dismiss Trésor Nzila Kendet, its executive director. Nzila's dismissal followed a series of reports that were critical of the government's human rights record.

Score Change: The score declined from 1 to 0 because authorities have increasingly persecuted activists and retaliated against critical NGOs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Although union rights are nominally protected, laws protecting union members are not always enforced. The government has intervened in labor disputes by harassing and arresting laborers and pressuring union leaders, particularly against the country's largest labor union, the Congolese Trade Union Confederation.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

Congo's judiciary is dominated by Sassou Nguesso's allies, crippled by lack of resources, and vulnerable to corruption and political influence. In 2015, the Constitutional Court's confirmation of the constitutional referendum results was viewed as a rubber-stamp approval of Sassou Nguesso's efforts to remain in power. In April 2021, the Constitutional Court rejected legitimate objections to the conduct of the March elections.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Defendants, including the government's political opponents, are routinely denied due process. Arbitrary arrests and detentions are common, despite being prohibited by the constitution. Other fair-trial rights guaranteed by law, including the right to legal assistance for those who cannot afford it, are not always honored in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Citizens in some neighborhoods are at risk of intimidation and violent crime by groups of young men known as *bébés noirs*. There have also been reports of arbitrary arrests and physical abuses by police attempting to curb the activities of such groups. Reports of human rights violations by security forces are generally not investigated by the government. Security forces physically attacked people while enforcing COVID-19 measures in 2020.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Employment discrimination against women persists. The government prevents refugees and other foreign workers from holding certain jobs, and refugees sometimes face harassment and arrest by authorities.

While no law specifically prohibits same-sex sexual relations between adults, LGBT+ people experience occasional police harassment.

Minority ethnic groups experience severe discrimination in employment, housing, and education. Some communities often live in substandard housing on the outskirts of villages,

and occasionally are targeted in acts of violence committed by members of the majority Bantu population.

The government exhibits widespread discrimination against residents of Congo's southern regions. They are routinely denied high-paying public-sector jobs, as well as admission to the public university. By contrast, residents of Congo's northern regions are disproportionately appointed to key government positions and the civil service.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Although private citizens generally enjoy freedom of movement, activists and opposition leaders can face restrictions and confiscation of their passports.

An estimated 81,000 people left their homes in Pool Region during the 2016–17 conflict there.

The government imposed curfews, border closures, and internal travel restrictions in response to the COVID-19 pandemic in 2020. While curfews expired in much of Congo that year, nighttime curfews in Brazzaville and Pointe-Noire remained in effect as of December 2021. Land and river crossings were also closed as of December.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Legal protections for business and property rights can be undermined by bureaucracy, poor judicial safeguards, and corruption. The government directly or indirectly controls property in key industries such as oil, minerals, and aviation.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Violence against women, including domestic violence and rape, is widespread but rarely reported. There are no specific laws forbidding domestic violence other than general assault statutes.

Men are legally considered the head of the household, and divorce settlements are thus skewed against women. Adultery is illegal for both men and women, but women convicted of the crime face a potential prison sentence, while the penalty for men is a fine.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Congo is a source and destination country for human trafficking, and allegations of complicity have been lodged against government officials. However, the US State Department reported in its *Trafficking in Persons Report 2021* that authorities continued to strengthen their antitrafficking efforts by providing more assistance to victims and prosecuting more alleged traffickers. In its 2021 report, the State Department noted that Congolese authorities won their first conviction since 2017.

According to local NGOs, members of minority groups have been conscripted into forced farm labor by members of the Bantu ethnic majority. Child labor laws are reportedly not effectively enforced.

Congo, Democratic Republic of (Kinshasa)

Population: 92,500,000

Capital: Kinshasa

Freedom Status: Not Free

Electoral Democracy: No

Overview: The political system in the Democratic Republic of Congo (DRC) has been paralyzed in recent years by the manipulation of the electoral process by political elites. Citizens are unable to freely exercise basic civil liberties, and corruption is endemic. Physical security is tenuous due to violence and human rights abuses committed by government forces, as well as armed rebel groups and militias in many areas of the country.

KEY DEVELOPMENTS IN 2021

- In July, President Félix Tshisekedi reformed the membership of the Independent National Electoral Commission (CENI), allocating seats for civil society groups, the ruling coalition, and the opposition. Civil society groups denounced this move as an attempt to secure control of the body (ruling party members can outnumber civil society representatives) and, consequently, influence elections.
- In May, Tshisekedi declared a “state of siege” in North Kivu and Ituri provinces, which replaced civilian authorities with military personnel, to combat armed groups and return the violence-affected areas to central government control. The state of siege was extended through the year and saw an increase in the levels of violence and displaced persons caused by the conflict with militia groups, which reached record highs.
- Throughout the year, journalists and activists uncovered the extent of corruption within former president Joseph Kabila’s administration. In February, reports revealed Israeli businessman Dan Gertler’s embezzlement of \$3.7 billion in state funds through Kabila-approved contracts over several years. Reports released in November detailed how Kabila, his family, and his associates siphoned hundreds of millions of dollars of state funds from Congo’s Central Bank between 2013 and 2018.

POLITICAL RIGHTS: 4 / 40 (-1)

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

According to the constitution, the president is chief of state and is elected for a maximum of two five-year terms. The prime minister is head of government and is formally appointed by the president.

Félix Tshisekedi was declared president in 2019, following 2018 end-of-year elections. Former president Joseph Kabila overstayed his constitutional mandate by two years; the Constitutional Court allowed him to stay in office until his successor had been elected, but polls were repeatedly delayed.

The Independent National Electoral Commission (CENI) declared Tshisekedi president with 38.6 percent of the vote, defeating Martin Fayulu of the Lamuka (Wake Up) coalition, who reportedly secured 34.8 percent. Tshisekedi, a leader of the Course for Change (CACH) coalition, was believed to have come to power via a backroom deal, under which he allied

with the Kabila-led Common Front for Congo (FCC). The FCC had previously backed Emmanuel Ramazani Shadary, who reportedly received 23.9 percent of the vote as the People's Party for Reconstruction and Democracy (PPRD) candidate. Several opposition candidates were barred from competing in the poll.

The vote was heavily criticized due to voter suppression and electoral fraud. Observers from the Catholic Church and the civil society coalition Synergy of Citizen Election Observation Missions reported massive fraud and irregularities. An independent tally by the Roman Catholic Church's National Episcopal Conference of Congo (CENCO), reviewed by independent auditors, suggested that Fayulu won 60 percent of the vote; they found widespread ballot-validation procedure violations and vote-counting discrepancies. Election observers were denied access to polling stations in some cases, and foreign observers were not allowed to participate. Moreover, 1.2 million voters were barred from voting in three opposition areas—Beni territory and Butembo in North Kivu Province and Yumbi in Mai-Ndombe Province. Official results reported a margin of victory that was a little over half the number of voters disenfranchised in opposition areas.

Sama Lukonde was appointed prime minister in February 2021, replacing Kabila-ally Sylvestre Ilunga Ilukamba.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The DRC has a bicameral national legislature with a 500-seat National Assembly directly elected for five-year terms, and a 108-seat Senate elected by provincial assemblies. Senators hold a five-year mandate. The DRC's 715 provincial legislators elect national senators and provincial governors. Eight Senate seats are reserved for customary chiefs.

National Assembly elections were held concurrently with the presidential vote in 2018 and were also criticized as deeply flawed. The FCC won 341 seats, Lamuka took 112, and the CACH took 47. Because elections were postponed until 2019 in opposition areas of Beni, Butembo, and Yumbi, voters in those regions were prevented from influencing the National Assembly race.

Senators are elected indirectly through provincial assemblies, and in 2018 the provincial elections were compromised by vote buying. As former president, Kabila holds a lifetime Senate appointment.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The country's electoral framework does not ensure transparent elections in practice. Opposition parties and civil society frequently criticize the CENI and the Constitutional Court for lacking independence and supporting the president. Fayulu unsuccessfully appealed the election results in 2019. The following month, the United States announced diplomatic sanctions on the then-president and vice president of CENI, the National Assembly president, and the chief judge of the Constitutional Court for electoral fraud.

In July 2021, Tshisekedi reformed the CENI, allocating seats for civil society groups, the ruling coalition, and the opposition. Civil society groups claimed the move was made in bad faith and maintained Tshisekedi's control of the body (because of the balance of seats between the ruling party and civil society groups) and, consequently, control over future elections. Lamuka called for the CENI to be placed under the full control of civil society. In October, the parliament confirmed Denis Kadima, an election expert from Tshisekedi's province and Kabila ally, as CENI head.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

People have the right to organize political parties. Hundreds of parties exist, with many configured along ethnic or regional lines. However, most lack national reach, and their ability to function is limited in practice. Opposition leaders and supporters are often intimidated and face restrictions on movements and rights to campaign or organize public events.

Opposition and government coalitions have shifted frequently in recent years. Tshisekedi's CACH formed a power-sharing government with Kabila's FCC in 2019. Kabila initially maintained influence over the judiciary and key ministerial posts. Facing major disagreements over government appointments and oversight, Tshisekedi dissolved this power-sharing agreement in December 2020, and installed a new government that passed with near unanimous support in April 2021, removing Kabila appointees from key ministerial posts and creating the "Sacred Union" coalition.

Under the Tshisekedi administration, some opposition members have been released from prison, and some politicians living in exile were permitted to return. However, political party officials still faced reprisals for criticizing the government. Security forces dispersed multiple opposition protests led by Fayulu against CENI appointees throughout 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Although opposition groups enjoy significant public support, repeated postponement of and government interference in elections prevent the opposition from gaining power through electoral competition.

The government prevented an opposition coalition from rising to power despite evidence that it won the vote in 2018. In the run-up to those elections, the CENI rejected the candidacy of six opposition politicians, including former Katanga governor Moïse Katumbi. Government authorities regularly blocked or delayed the campaign activities of opposition candidates. Authorities helped facilitate the movement and campaign activities of Kabila's favored candidate. Armed groups also obstructed candidate movements.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The military, security services, and armed groups interfere with citizens' political choices. Systematic repression in major cities across the country intensified in the lead-up to the 2018 elections, including excessive force against opposition demonstrators. In some areas, soldiers and armed groups at polling stations reportedly coerced voters to cast ballots for the FCC. Armed groups hindered citizens' ability to participate in the political process.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Lack of access to public services and state institutions in rural areas hinders political participation. Women are politically underrepresented; in the government installed in 2021, they held 14 out of 57 cabinet seats. Internally displaced people throughout the country face practical obstacles to participating in elections.

C. FUNCTIONING OF GOVERNMENT: 1 / 12 (-1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Massive electoral fraud and irregularities prevent democratically elected officials from determining government policies.

Beginning in May 2021, Tshisekedi declared a “state of siege” in North Kivu and Ituri provinces to combat armed groups and return violence-affected areas to central government control. Civilian authorities and provincial governments were replaced with military officers, effectively removing elected authorities or constitutionally recognized territorial administrations from determining government policies.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption in the government, security forces, and mineral extraction industries is extensive and has corroded public services and development efforts. Appointments to high-level positions in government are often determined by nepotism. Accountability mechanisms are weak, and impunity is commonplace.

President Tshisekedi publicly committed the government to fighting corruption when he came to power. In 2020, Tshisekedi’s chief of staff, Vital Kamerhe, was convicted and received a 20-year forced-labor sentence for embezzling over \$50 million in public funds. Kamerhe is the highest-ranking politician to face such a prosecution in the country’s history.

However, political will to combat corruption seemingly dropped off in 2021, and civil society groups exposed major cases of corruption within former president Kabila’s administration. In February, reports revealed Israeli businessman Dan Gertler’s embezzlement of \$3.7 billion in state funds through Kabila-approved contracts over several years. Reports released in November revealed that Kabila, his family, and his associates had siphoned hundreds of millions of dollars of state funds from Congo’s Central Bank between 2013 and 2018. The government in September 2020 imposed death sentences on the two whistleblowers of Gertler’s money laundering scheme.

In June 2021, prodemocracy activists from the Struggle for Change (Lucha) group alleged that the First Lady’s staff misappropriated relief aid intended for people displaced by the Nyiragongo volcano eruption near Goma. The First Lady’s office subsequently filed a defamation complaint against them.

C3. Does the government operate with openness and transparency? 0 / 4 (-1)

Despite previous incremental improvements in revenue reporting, there is barely any transparency in the state’s financial affairs. The law does not provide for public access to government information, and citizens often lack the practical ability to obtain records on public expenditures and state operations.

In 2021, some efforts were made to bring the Central Bank of Congo into conformance with International Monetary Fund (IMF) protocols as a condition for loans. However, required financial disclosures from top officials have not been made public; tax agencies suffer from poor reporting; and shadow networks determine political and financial decisions in practice. Embezzled military funds contribute to networks inside the national army and contracts for the extractive industries are conducted in secret. In September 2021, evidence emerged of \$6 billion in previously hidden loans from China as part of a joint Congolese-Chinese mining venture.

Citizens in violence-affected areas routinely petition the government for openness about insecurity, including state involvement in violence, but report little clarity. The state of siege

first announced in May 2021 replaced governors, territorial administrations, and city administrations in Ituri and North Kivu provinces with military authorities who are not accessible to constituents. Security forces continually maintain impunity despite committing human rights abuses, according to the United Nations (UN).

Score Change: The score declined from 1 to 0 because government openness about violence-affected areas, accountability for security forces, and transparency around government contracts are nonexistent.

CIVIL LIBERTIES: 15 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16****D1. Are there free and independent media? 1 / 4**

Although media freedom is constitutionally guaranteed, journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work. Radio is the dominant news medium, and newspapers and state-sponsored news channels are found in large cities. While journalists frequently criticize authorities, political harassment of reporters is common, and authorities have sometimes attempted to shutter media outlets. Some foreign reporters were barred from the country during the last national elections. Artists also face government reprisal.

The Journalist in Danger (JED) watchdog, Human Rights Watch (HRW), and other civil society organizations have recorded expanding repression of journalists under Tshisekedi's tenure. In 2021, three journalists were assassinated; at least 106 others faced detentions, threats, assault, and censorship—a more than two-fold increase over reported abuses in 2020.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion, and authorities generally respect this right in practice. Although religious groups must register with the government to be recognized, unregistered groups typically operate unhindered. Some religious facilities, personnel, and services have been affected by violence in conflict areas. Despite overall tolerance, the authorities responded aggressively to protest activities by the Catholic Church and some Protestant groups following the announcement of election results in 2019. Some North Kivu mosques have faced heightened threats from Islamist rebels who target members of the Muslim community who criticize Islamist militancy, as well as government suspicions that Muslims in the region aid rebel groups. The government has also used violence to suppress the Bundu dia Kongo (BDK), a religious movement that calls for autonomy in Kongo Central Province.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

There are no formal restrictions on academic freedom. Primary and secondary school curriculums are regulated but not strongly politicized. However, political events and protests at universities and schools are subject to violent repression. Armed groups have also attacked schools, preventing children from accessing education. In practice, payment for grades, including sexual exploitation of students, is common.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Although open political dissent is routinely suppressed, Congolese publicly express their views on some subjects. Many Congolese openly discuss systemic corruption and insecurity on social media platforms.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

The constitution guarantees freedom of assembly, and demonstrations are held regularly in urban areas. However, those who participate risk arrests, beatings, and lethal violence.

Despite COVID-19 restrictions, protesters held major assemblies and rallies that security forces dispersed with unnecessary force and arbitrary detentions throughout 2021. Activists, students, and civilians—who led marches and peaceful sit-ins to protest changes to the electoral framework and perceived government inaction to stop civilian massacres in Beni territory—were arrested, beaten, or forcibly dispersed, including with tear gas. In August and September, miners protested dangerous working conditions, particularly those under Chinese companies whose exploitative practices also contaminate rivers with serious environmental and public health consequences.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Thousands of NGOs are active in the DRC, but many face obstacles to their work. Domestic human rights advocates in particular are subject to harassment, arbitrary arrest, and detention.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

A number of national labor unions and professional associations, covering parts of the public and private sectors, operate legally in the DRC, but the overwhelming majority of workers are informally employed. Some civil servants and members of state security forces are not permitted to unionize and bargain collectively. Violations of the procedures for a legal strike can result in prison terms. Although employers cannot legally retaliate against workers for union activities, such protections are poorly enforced.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary is often seen as corrupt and subject to political manipulation. It often shows bias against the opposition and civil society, while government allies typically enjoy impunity for abuses. Judges are not paid adequately or receive salaries late, increasing their susceptibility to bribes.

Under Tshisekedi's administration, the judicial branch initially showed greater independence in trying officials and replacing several judges suspected of wrongdoing or corruption. In July 2021, the Constitutional Court announced the arrest of former prime minister Matata Ponyo—a political rival of Tshisekedi—for allegedly embezzling funds related to property confiscation during the 1970s "Zairianization" campaign. He was released a day later after agreeing to cooperate. However, the Constitutional Court ruled in November they could not try the case as they only had jurisdiction over sitting, not former, prime ministers.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Courts are concentrated in urban areas; rural areas rely on customary courts. Informal justice mechanisms are common throughout the country. Civilians are often tried in military

courts, which have weak safeguards for defendants' rights, poor witness protection mechanisms, and are subject to interference from high-ranking military personnel. The state of siege from May 2021 on in North Kivu and Ituri provinces enacted martial law but only authorized military courts to try criminal, not civilian cases, resulting in growing detentions and stalled judicial cases. Arbitrary arrests and detentions are common, as is prolonged pretrial detention; much of the prison population consists of pretrial detainees. Prisoners frequently pay bribes to avoid torture or meet basic needs; rape among detainees is common.

DRC courts have officially granted reparations to the targets of sexual violence and other serious crimes, but these are rarely paid in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Civilian authorities do not effectively control security forces. The military is notoriously undisciplined. Incidents of soldiers exchanging intelligence and weapons with rebel or militia groups continued during 2021. Soldiers and police regularly commit serious human rights abuses, including rape and other physical attacks, and high-ranking military officials enjoy impunity for crimes. Despite the government's promise to "eradicate" militia groups during the 2021 state of siege, the levels of violence and the number of displaced persons caused by the conflict with those groups increased, reaching record highs.

Government forces have participated in summary killings and forced disappearances, and the judicial system has not held officials accountable. Senior intelligence officials accused of serious human rights abuses have not been tried for their acts. Many high-ranking military officers have been sanctioned by various international entities for human rights abuses.

Armed groups have contributed to years of conflict and communal violence that have had a catastrophic impact on civilians, with over five million conflict-related deaths since 1998. Civilian massacres in South Kivu's Hauts Plateaux and Beni and Lubero territories in North Kivu continued in 2021. Urban crime rates also rose after the deployment of military forces in North Kivu.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Ethnic discrimination is common and is both a contributing factor and an outcome of armed conflicts across the country. While the constitution prohibits discrimination against people with disabilities, they often encounter obstacles to finding employment, attending school, or accessing government services. Discrimination based on HIV status is also prohibited, but people with HIV similarly face difficulties accessing health care and education. LGBT+ people can be prosecuted for same-sex sexual activity under public decency laws.

Although the constitution prohibits discrimination against women, in practice they face discrimination in nearly every aspect of their lives. The family code assigns women a subordinate role in the household. Young women increasingly seek professional work outside the home, particularly in urban centers, but face disparities in wages and promotions. When families are short on money to pay school fees, boys are often favored over girls to receive education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement is protected by law but seriously curtailed in practice, in large part due to armed conflicts and other security problems. An estimated 5.3 million people

were internally displaced at the end of 2021 according to the Internal Displacement Monitoring Centre. Various armed groups and government forces impose illegal tolls on travelers passing through territory under their control.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Individuals have the right to own property and establish private businesses. In conflict zones, armed groups and government soldiers regularly seize private property and destroy homes and businesses. Property ownership and business activity are also hampered by pervasive corruption and a complicated system of taxation and regulation that encourages bribery.

Although the constitution prohibits discrimination against women, some laws and customary practices put women at a disadvantage with respect to inheritance and land ownership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Sexual and gender-based violence is common. Rebels and government soldiers have regularly been implicated in cases of rape and sexual abuse. Rebel commanders have abducted girls into forced marriages. Convictions for these offenses remain rare. Abortion is prohibited except to save the life of a pregnant woman, and illegal abortions can draw lengthy prison sentences.

The family code obliges wives to obey their husbands, who are designated as the heads of their households. Married women are under the legal guardianship of their husbands. Although the legal minimum age for marriage is 18, many women are married earlier.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Formal protections against economic exploitation are poorly enforced, and most Congolese are informally employed. Although the law prohibits forced or compulsory labor, such practices are common and include forced child labor in mining, street vending, domestic service, and agriculture. Some government forces and armed groups force civilians to work for them, and the recruitment and use of child soldiers remains widespread. Working conditions can be life threatening. Accidents are common in the mining sector, and safety precautions are rarely enforced.

Costa Rica

Population: 5,200,000

Capital: San José

Freedom Status: Free

Electoral Democracy: Yes

Overview: Costa Rica has a long history of democratic stability, with a multiparty political system and regular rotations of power through credible elections. Freedoms of expression and association are robust. The rule of law is generally strong, though presidents have often been implicated in corruption scandals. Among other ongoing concerns, Indigenous people face discrimination, and land disputes involving Indigenous communities persist.

KEY DEVELOPMENTS IN 2021

- In June, more than two dozen officials were detained when police raided the presidential office in connection with an investigation into alleged corruption in public procurement processes; a second high-profile corruption investigation, also involving public works contracts, led to the arrests of several more politicians in November. Both investigations were ongoing at year's end.
- Numerous protests against a controversial public employment bill, intended to curtail excessive government spending on salaries paid to public sector employees, were held during the year. Other protests, including demonstrations against proposed pension reforms and a loan agreement between the government and the International Monetary Fund (IMF), also took place.
- The number of Nicaraguan asylum seekers in Costa Rica rose sharply during the year, beginning after the Nicaraguan government launched a crackdown against its opponents in May. According to Costa Rican authorities, 53,000 Nicaraguans sought asylum in the country by year's end—more than in the previous three years combined.

POLITICAL RIGHTS: 38 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is directly elected for a four-year term and can seek a nonconsecutive second term. Presidential candidates must win 40 percent of the vote to avoid a runoff. In April 2018, Carlos Alvarado Quesada of the governing Citizen Action Party (PAC) was elected president in the second round. Alvarado faced Fabricio Alvarado Muñoz of the evangelical National Restoration Party (PRN) in the runoff and won decisively, with over 60 percent of the vote.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Elections for the 57-seat unicameral Legislative Assembly occur every four years. Deputies, elected by proportional representation, may not run for two consecutive terms, but may run again after skipping a term. In the February 2018 legislative elections, no party won a majority: the PAC took 10 seats, the PRN won 14, and the National Liberation Party (PLN), historically one of the most powerful parties in Costa Rican politics, won 17 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

A special chamber of the Supreme Court appoints the independent national election commission, the Supreme Electoral Tribunal (TSE), which is responsible for administering elections. The TSE carries out its functions impartially, and the electoral framework is fair.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

People have the right to organize in different political parties without undue obstacles. The historical dominance of the PLN and the Social Christian Unity Party (PUSC) has waned in recent years as newly formed parties have gained traction, leading to the collapse

of the traditional two-party system. The PRN, which was founded in 2005, emerged as a major force in 2018, as evidenced by Alvarado Muñoz's second-place finish in the presidential election and the party's relatively strong showing in the legislative elections.

As of September 2021, a total of 28 parties had registered to participate in the 2022 general elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power regularly alternates in Costa Rica, and opposition parties compete fiercely in presidential and legislative elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Citizens' political choices are free from domination by unelected elites and other undemocratic powers.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Members of religious, racial, ethnic, and other minority groups enjoy full political rights. Some groups remain underrepresented in government. Indigenous rights have not historically been prioritized, and there is no representation of Indigenous Costa Ricans, who comprise 2.4 percent of the population, in the legislature. Afro-Costa Ricans, who make up almost 8 percent of the population, are also underrepresented in government.

Women and women's interests are represented in government, with 47 percent of seats in the Legislative Assembly held by women. In May 2021, Silvia Hernández of the PLN was elected president of the legislature—the fourth woman ever to hold the post.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Costa Rica's freely elected government and lawmakers set and implement state policy without interference. However, legislative gridlock remains a systemic issue.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Costa Rica's anticorruption laws are generally well enforced. However, despite the existence of functioning anticorruption mechanisms, nearly every president since 1990 has been accused of corruption after leaving office. In 2017, former president Luis Guillermo Solís was implicated in the Cementazo scandal, involving influence peddling related to Chinese cement exports to Costa Rica. Although he was cleared of wrongdoing by the Public Ethics Office of the Attorney General in 2018, the attorney general's office ordered the reopening of investigations into Solís's role in the scandal in 2020. In August 2021, interim attorney general Warner Molina Ruiz reduced the number of prosecutors investigating the Cementazo case.

Numerous politicians and government officials were implicated in high-profile corruption investigations during 2021. In June, police raided the presidential office and detained more than two dozen officials in connection with the so-called Cochinilla case, a corruption scandal that reportedly involved state agencies accepting bribes from private construction companies in return for government contracts. The investigation into the scandal, which allegedly caused a deficit of over \$125 million in the country's road works

budget between 2018 and 2020, was ongoing at year's end. Another high-level corruption investigation, known as the Diamante case, involving an alleged bribery scheme related to public works contracts, led to the November arrests of several politicians, including the mayor of San José.

C3. Does the government operate with openness and transparency? 4 / 4

Citizens generally have access to government information. There are some deficiencies in the reporting of budgets to the public, including a lack of transparency in communicating the objectives of the annual budget. Senior government officials are required to make financial disclosures, but that information is not available to the public. The government has also faced criticism from information rights activists for failing to make data on the beneficiaries of the country's COVID-19-related financial relief programs publicly available.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is largely respected in Costa Rica. Defamation laws are on the books, but imprisonment was removed as a punishment for defamation in 2010.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Roman Catholicism is the official religion, but the constitution guarantees the freedom of religion, which is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is constitutionally protected and generally upheld. In November 2021, controversy arose when the National Association of Educators alleged that the Ministry of Public Education had gathered sensitive information on students' personal and socio-economic backgrounds via survey questions included on the 2021 national FARO exams.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is free, and the government is not known to surveil the electronic communications of Costa Ricans. However, widespread concern over possible government surveillance arose following the February 2020 publication of an executive decree creating a Presidential Data Analysis Unit (UPAD) with the power to access "confidential information held by public institutions when required." The decree was quickly repealed, but investigations into whether UPAD illegitimately accessed sensitive information remained ongoing through 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected. This right is largely upheld in practice. A diverse range of groups hold regular rallies and protests without government interference.

A number of protests against a controversial public employment bill, intended to curtail excessive government spending on salaries paid to public sector employees, occurred in 2021, alongside demonstrations against a related loan agreement between the government

and the International Monetary Fund (IMF). However, these protests were of a much smaller scale than the 2020 demonstrations against a proposed tax increase and IMF loan agreement, some of which turned violent.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), including those engaged in human rights work, are active and do not encounter undue obstacles.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Although labor unions are free to organize and mount frequent protests and strikes with minimal governmental interference, the law requires a minimum of 12 employees to form a union, which may impact union rights at small enterprises. Rates of union membership in the private sector are low, due in part to discrimination by employers against members. Employers have been known to occasionally fire workers who attempt to form unions.

In 2020, President Alvarado enacted a law restricting strikes by public sector employees, which includes limits on permitted justifications for strikes and salary suspensions for workers who participate in strikes deemed illegal. Unions organized several demonstrations in 2021, and were prominently involved in protests against both the proposed public employment law and proposed pension reforms that would, among other things, increase the retirement age for Costa Ricans.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judicial branch is generally independent and impartial. Supreme Court judges are elected by a supermajority of the legislature. Prosecutors and judges are able to investigate public officials. In June 2021, then attorney general Emilia Navas Aparicio stepped down, reportedly to avoid “perceived conflicts of interest” regarding her ties to the Cochinilla corruption case, in which her husband represents a number of the defendants.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are enshrined in the constitution and are generally protected. However, there are often substantial delays in judicial processes, sometimes resulting in lengthy pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violent crime in Costa Rica has increased in recent years. In 2021, Costa Rica registered 588 homicides, a rate of approximately 11.5 murders per 100,000 people. Criminal groups transport drugs along the Pacific coast, and the government has reported that many homicides there are related to organized crime and drug trafficking. There are reports of occasional police abuses of detainees and civilians; confirmed cases are generally investigated and prosecuted.

Overcrowding, poor sanitation, insufficient access to health care, and violence remain serious problems in Costa Rica’s prisons. Recurrent abuse by prison police has not been thoroughly investigated due to victims’ reluctance to file formal complaints.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution outlines equal rights for all people, but rights are upheld unevenly. Indigenous people, who compose 2.4 percent of the population, continue to face discrimination, particularly regarding land rights and access to basic services. In recent years, conflict over land disputes has led to Indigenous groups being targeted by lawsuits and violence. Bribri leader Sergio Rojas was murdered in 2019, and in 2020 Brörán leader Yehry Rivera was killed and Bribri leader Mainor Ortiz Delgado was shot and wounded in connection with land disputes. All three had previously been granted protectionary measures by the Inter-American Commission on Human Rights (IACHR). Though the attorney general's office dismissed the Rojas case in 2020, in January 2021, the Criminal Court of Buenos Aires ruled that the investigation into Rojas's assassination case must continue.

Costa Ricans of African descent have faced discrimination in health care, education, and employment. In August 2021, a law recognizing the historical discrimination against those of African descent came into force. The law stipulates that for a period of ten years, all public institutions must allocate at least 7 percent of vacant positions annually to people of African descent. The law also mandates the inclusion of the legacy of Afro-Costa Ricans in the country's history in public education curriculums.

Women experience discrimination due to entrenched stereotypes, which can limit their equal access to employment, health services, and the justice system. In August 2021, President Alvarado enacted a law expanding the definition of femicide and introducing penalties of up to 35 years in prison for the crime. Executive orders prohibit discrimination on the basis of sexual orientation and gender identity, and the government has expressed commitment to the protection of LGBT+ people. However, law enforcement officials have discriminated against LGBT+ people, and there have been reports of attacks by police on transgender sex workers.

In 2016, a new law provided disabled people greater personal autonomy. Prior to the law's passage, family members often had legal guardianship over disabled people. In January 2021, the legislature approved a new law intended to protect the rights of people with autism.

In 2019, the government modified legislation on HIV/AIDS to facilitate condom distribution and expand screenings, counseling, and privacy protections for HIV/AIDS patients. A pilot program providing preventative HIV treatment to people deemed at high risk for contracting the virus was launched in July 2021.

The number of asylum seekers from Nicaragua, which initially increased following a political crisis that erupted there in 2018, rose significantly after the Nicaraguan government began a crackdown against its opponents in May 2021. Between 2018 and 2020, over 80,000 Nicaraguans fled to Costa Rica, and approximately 50,000 applied for asylum; according to Costa Rican authorities, 53,000 Nicaraguans sought asylum in Costa Rica in 2021 alone. Although the law entitles asylum seekers to access public services, discrimination sometimes prevents it in practice. Legal restrictions limit employment opportunities for asylum seekers. Anti-Nicaraguan discrimination rose in 2020 during the COVID-19 pandemic.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is constitutionally guaranteed. Costa Ricans enjoy relative freedom in their choice of residence and employment. COVID-19-related restrictions on transit at night and on weekends reduced freedom of movement in 2020 and 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are generally protected. Individuals are free to establish businesses, and the business and investment climate is relatively open, although complicated bureaucracy can deter entrepreneurs seeking to establish a business.

Land disputes between Indigenous and non-Indigenous peoples have been a source of conflict for years, and Indigenous groups sometimes face harassing lawsuits and violence. A 1977 Indigenous Law formalized Indigenous groups' exclusive rights to some territories, but the government has failed to implement the law or provide compensation to non-Indigenous settlers who continue to occupy the land.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Despite the existence of domestic violence protections, violence against women and children remains a problem. In 2019 the president signed a bill increasing the statute of limitations in child sexual abuse cases from 10 to 25 years, and in August 2021 he signed a bill expanding the definition of femicide and increasing the penalties for those convicted of the crime.

In 2020, Costa Rica became the first Central American country to permit same-sex marriage.

Abortion is illegal in Costa Rica except when a woman's health is in danger due to a pregnancy. In 2019, President Alvarado signed a technical decree intended to facilitate limited access to abortion by outlining the circumstances under which an abortion may be performed legally, though conditions remain restrictive.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Despite legal protections, domestic workers are subject to exploitation and forced labor. Employers often ignore minimum wage and social security laws, and the resulting fines for violations are insignificant. Child labor is a problem in the informal economy.

Sex trafficking and child sex tourism are serious problems. The US State Department's 2021 *Trafficking in Persons Report* highlighted the government's adoption of new investigative techniques in trafficking cases; however, the report also noted a decrease in funding for antitrafficking efforts and the closure of a dedicated shelter for trafficking victims.

Côte d'Ivoire

Population: 27,100,000

Capital: Yamoussoukro (official), Abidjan (de facto)

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Côte d'Ivoire continues to recover from an armed conflict that ended in 2011. Several root causes of the country's violent conflict remain, including ethnic and regional tensions, land disputes, corruption, and impunity. While civil liberties had been better protected in recent years, an outbreak of election-related violence in 2020 brought significant setbacks. Improved electoral conditions in 2021 allowed opposition groups and civil society to operate more freely than during the previous year.

KEY DEVELOPMENTS IN 2021

- In March, the members of the National Assembly were directly elected in credible and generally peaceful polls. President Ouattara's party, Rally of the Houphouëtists for Democracy and Peace (RHDP), won an absolute majority in the parliament, taking 137 of 255 seats.
- After the death of Prime Minister Hamed Bakayoko in March, Patrick Achi, Ouattara's former chief of staff, became prime minister. He was appointed to the role by the president according to normal constitutional procedure.
- In June, former President Laurent Gbagbo returned to Côte d'Ivoire after 10 years; he was able to return after being acquitted of charges of crimes against humanity by the International Criminal Court (ICC) in March. Gbagbo officially returned to Ivorian politics in October, when he introduced a new political party, the African People's Party-Côte d'Ivoire (PPA-CI); his return prompted civil society leaders to call for further political reconciliation in order to prevent potential future violence.

POLITICAL RIGHTS: 19 / 40 (+3)**A. ELECTORAL PROCESS: 6 / 12 (+1)****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The October 2020 presidential election was neither free nor fair. Former prime minister and presidential candidate of the RHDP Amadou Gon Coulibaly died unexpectedly in July 2020. President Alassane Ouattara, who had spent two five-year presidential terms in office, reversed his previous decision not to run and was nominated in August by the RHDP, which claimed Ouattara was eligible for two more terms because the 2016 Constitution's two-term limit was adopted after Ouattara's second election; some critics charged that Ouattara had moved forward with the new constitution to enable his third term. His nomination was met by major protests from opposition parties.

The Constitutional Council rejected 40 of the 44 candidates for the presidential election and validated the candidacy of only four individuals: Alassane Ouattara, Henri Konan Bédié, Pascal Affi N'Guessan, and Bertin Konan Kouadio. Rejected candidates were unable to appeal the Council's decisions, and the government ignored a ruling from African Court of Human and People's Rights (ACHPR) to allow prominent opposition leader Guillaume Soro and former president Laurent Gbagbo to run. Several leading opposition parties, including those of Soro and Gbagbo, refused to participate in the polls and called for a boycott of and protests against the election. The government banned all public demonstrations throughout the election period, and those that occurred were met with violence. The campaign period itself was marred by instances of violence between progovernment and antigovernment supporters, resulting in dozens of deaths.

The opposition boycotted the October election outright, while many would-be voters were prevented from casting ballots due to security concerns. Ouattara won the poll with 94 percent of the vote, according to the government, which put turnout at 54 percent. These numbers were contested by independent observers from the Electoral Institute for Sustainable Democracy in Africa (EISA), which reported that only 54 percent of polling stations opened and only 41 percent of voter cards were distributed before the vote. The group also said the electoral roll had issues with the comprehensiveness of its data, and included a large number of deceased individuals, and that the election commission lacked transparency and heavily favored the ruling party in administering the election.

The prime minister is the head of government, is appointed by the president, and is responsible for designating a cabinet, which is also approved by the president. In March

2021, Patrick Achi was appointed prime minister following the death of former prime minister Hamed Bakayoko.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The bicameral parliament consists of a 255-seat lower house, the National Assembly, and a 99-seat Senate, which was envisaged by the 2016 constitution and seated in March 2018. National Assembly members are directly elected to five-year terms. Of the Senate's 99 seats, 66 are indirectly elected by the National Assembly and members of various local councils, and 33 members are appointed by the president; all members serve five-year terms.

In March 2021, the members of the National Assembly were elected in transparent, credible, and peaceful elections. The parliamentary elections were contested by candidates from several opposition parties and coalitions, including most of those that had boycotted the October 2020 presidential elections. However, the Generations and People in Solidarity (GPS) party, led by former prime minister Guillaume Soro, did not take part in either the presidential or the parliamentary elections.

President Ouattara's RHDP won an absolute majority in the parliament, taking 137 of 255 seats. A coalition between two leading opposition parties, the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA) and the pro-Gbagbo Together for Democracy and Solidarity (EDS), won 81 seats.

Despite the peaceful nature of the parliamentary elections and the return of several leading opposition parties, voter turnout remained low: only 37.8 percent of eligible voters participated in the 2021 elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (+1)

In 2016, the ACHPR ruled that the Independent Electoral Commission (CEI) was biased in favor of the government and ordered amendments to the electoral law. President Ouattara conceded to the CEI's reorganization, increasing the number of civil society members in the CEI from four to six by parliamentary amendment in 2019. Civil society criticized the reforms, warning that the government would still exert influence due to its continued ability to nominate members, and changes that could make the body more independent were only partially implemented. Recent allegations of irregularities in CEI appointment and other procedures and related changes in staff, as well as opposition boycotts of staffing processes for district-level posts, have left the CEI mostly run by members of the ruling party.

In April 2020, the government amended the electoral code by emergency executive ordinance—enabled because of the COVID-19 pandemic's state of emergency measures—without consultation with the election's participants. The updated electoral roll was opaque and regionally unbalanced, and the CEI refused to report detailed data and submit to an independent audit. In July 2020, the ACHPR ruled that Côte d'Ivoire must take steps to further reform the CEI, including reforming the process for nominating members to the CEI in order to reduce potential government influence over the nominations. Following the ruling, opposition groups called for all CEI local electoral commissions to be dissolved in preparation for new elections.

Despite remaining weaknesses in the electoral framework and dissatisfaction with recent electoral reforms among opposition parties and civil society groups, the reforms that have been implemented since 2016 have improved electoral competition. In 2021, opposition groups were able to participate in the CEI's central commission after reforms allowed seats in the commission to be assigned to parties with significant parliamentary

representation. Opposition candidates were also able to participate in the March 2021 parliamentary elections without facing arbitrary rejection by electoral administration bodies.

Score Change: The score improved from 1 to 2 because opposition members participated in the country's electoral commission.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (+2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (+1)

The Ivorian constitution permits multiparty competition, and recent presidential and legislative elections have been contested by a large number of parties and independent candidates. The ruling RHDP, dominated by Ouattara's Rally of the Republicans (RDR), holds a virtual lock on political power, but has faced increased competition in recent years. In 2018, the Democratic Party of Côte d'Ivoire (PDCI) of former president Henri Konan Bédié split with the coalition after disagreement over the RHDP's 2020 presidential nominee; a faction of PDCI candidates ran against the RHDP in the 2018 municipal elections. In February 2019, former rebel commander and former premier Guillaume Soro resigned as National Assembly speaker. He later formed the Generations and People in Solidarity (GPS) party, and declared his presidential candidacy in October 2020.

In contrast to the 2020 presidential elections—which had been boycotted by several leading opposition parties—party competition improved in 2021. Multiple opposition parties, including many of those that had boycotted the 2020 presidential elections, contested the March 2021 parliamentary elections, increasing the competitiveness of the election and winning a combined 117 of 255 seats in the National Assembly.

In June 2021, former president Laurent Gbagbo returned to Côte d'Ivoire after ten years, following his acquittal by the ICC on charges of crimes against humanity. In October, Gbagbo officially launched a new left-wing pan-African party, the PPA-CI. Gbagbo's former party, the Ivorian Popular Front (FPI), which he founded in exile in 1982, remains a leading opposition party, and is now led by former prime minister Pascal Affi N'Guessan.

Score Change: The score improved from 2 to 3 because parties that boycotted the 2020 presidential contest participated in the March parliamentary elections and because of the formation of a new party later in the year, increasing political pluralism.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Opposition parties have little chance of gaining power without reforming the electoral framework, which favors the ruling party. The ruling RHDP has an absolute majority in the National Assembly, limiting the opposition's ability to pursue such reforms.

In August 2020, the Constitutional Council rejected the candidacy of 40 of the 44 parties and individuals who submitted a nomination for the presidential election, including Soro and former president Gbagbo. International observer missions noted there was no appeals process for the rejected candidates to have their candidacy recognized, and that the election was not genuinely competitive. The government ignored the ACHPR's ruling to accept Soro's and Gbagbo's candidacies.

The opposition largely boycotted the October 2020 presidential elections. After election day, security forces arrested and detained opposition figures, and some were prevented from contacting a lawyer or their families. Opposition leaders including N'Guessan and dozens of opposition party members were detained at the house of Henri Konan Bédié, allegedly

for “conspiracy” and “sedition.” N’Guessan was detained and held incommunicado for over 60 hours. Between August and October 2020, police arrested over 40 political dissidents, mainly for their participation in protests.

After Ouattara began his third presidential term, opposition leaders and former presidents Gbagbo and Bédié called for the release of over 100 detainees, who Gbagbo labeled political prisoners. In August 2021, the government announced the release of nearly 80 people who had been arrested during the 2020 presidential elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4 (+1)

Individuals faced intimidation, threats, and physical violence when participating in the 2020 presidential election. Opposition parties boycotted the polls and staged multiple marches, sit-ins, and demonstrations leading up to election day in October 2020, despite the government’s ban on all protests from August through October. Security forces used violence to disperse protesters, killing several demonstrators during the campaigning period. Members of leading civil society institutions, like academics, suggested that participating in public debate about the elections would be seen as protest by their superiors.

Supporters of the opposition faced threats from the police and the military, who further failed to keep citizens safe during and after election day. More than 50 people were killed by militia members who attacked citizens with impunity. Opposition and government supporters clashed on the streets with machetes, clubs, and hunting rifles in Abidjan and at least eight other towns.

Such violence was not repeated during the March 2021 legislative elections; observers from the Electoral Institute for Sustainable Democracy in Africa (EISA) found the elections to have taken place in an inclusive, peaceful, and generally transparent atmosphere. Despite the improved atmosphere, however, voter turnout remained low, at 37.88 percent.

Score Change: The score improved from 1 to 2 because there were fewer instances of violence during the March elections than in past polls.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Citizenship has been a source of tension since the 1990s, when Ivorian nationalists adopted former president Bédié’s concept of “Ivoirité” to exclude perceived foreigners, including Ouattara, from the political process. A law relaxing some conditions for citizenship went into effect in 2014 but its application remains uneven. Hundreds of thousands of individuals, mostly northerners, lack documentation.

Women are poorly represented in the parliament, holding 14.2 percent of seats in the National Assembly and 19.2 percent in the Senate in 2021.

A north-south, Muslim-Christian schism has been a salient feature of Ivorian life for decades, and was exacerbated by the 2002–11 crisis. However, the schism has since receded, and the current government coalition includes Muslims and Christians. Political parties are not ethnically homogenous—Côte d’Ivoire comprises people from more than 60 ethnicities—though each tends to be dominated by specific ethnic groups.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Though defense and security forces are nominally under civilian control, problems of parallel command and control systems within the armed forces, known as the Republican

Forces of Côte d'Ivoire (FRCI), remain significant. In 2016, the government instituted a law meant to reduce the size of the officer corps and refine the military's command structure, but these changes have largely gone unimplemented. Nonstate armed actors and former rebels enjoy significant influence, especially in the north and west.

Additionally, after several years of relative calm, military mutinies in 2017 exposed the fragility of the civilian government's control over the state armed forces. Civilian control was tested again in September 2019, when special forces members scuffled with Abidjan police in an effort to free an arrested colleague; this incident ended without violence, however.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption and bribery remain endemic, and particularly affect the judiciary, police, and government contracting operations. Petty bribery also hampers citizens' access to services ranging from obtaining a birth certificate to clearing goods through customs. A public anticorruption body, the High Authority for Good Governance (HABG), was established in 2013, but is considered ineffective. Perpetrators at all levels seldom face prosecution.

C3. Does the government operate with openness and transparency? 1 / 4

The government generally awards contracts in a nontransparent manner. Access to up-to-date information from government ministries is difficult for ordinary citizens to acquire, although some ministries do publish information online. In 2013, the National Assembly passed an access to information law, but enforcement has been inconsistent. The HABG requires public officials to submit asset declarations, but this is not well enforced.

CIVIL LIBERTIES: 30 / 60 (+2)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (+1)

D1. Are there free and independent media? 2 / 4

Conditions for the press have improved since the end of the 2010–11 conflict, and incidents of serious violence against journalists are rare. However, journalists face intimidation and occasional violence by security forces in connection with their work. Most national media sources, especially newspapers, exhibit partisanship in their news coverage, consistently favoring either the government or the opposition. Many journalists were arrested, detained, and beaten by police while covering protests and violence during and after the 2020 election period.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Legal guarantees of religious freedom are typically upheld, and individuals are free to practice their faith in public and private. Relations between Muslims and Christians were exacerbated by the 2002–11 crisis, but tensions have largely receded. In May 2019, police closed Danané's great mosque, after the supporters of two imams vying for its leadership clashed.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Public universities were closed and used as military bases during the 2010–11 conflict, and now suffer from a lack of adequate resources and facilities. Classes were disrupted when teachers and university lecturers launched a nationwide strike over salaries, bonuses, and housing aid in late January 2019; the strike was suspended that March when unions held talks with the government.

Academics faced threats and intimidation if they addressed or critiqued the ruling party and other politically sensitive topics during the 2020 election cycle. Legal scholars were unable to organize a public debate on the constitutionality of President Ouattara's third term, as many feared their participation would be considered a form of illegal protest. Individuals at institutions with leadership that support the ruling party engaged in self-censorship.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (+1)

While people are free to engage in political discussion and debate, politics and the ruling party became dangerous topics during the 2020 election cycle. During and after the elections, militias and unknown actors attacked opposition supporters demonstrating and meeting during the opposition's boycott of the election. Security forces largely overlooked the violence against opposition supporters, which discouraged individuals from openly expressing their political views.

In 2021, Ivorians' ability to speak openly greatly improved, and political debates were allowed to resume in the newspapers and on social media. However, self-censorship remains common, and some political discussions, especially those regarding the legitimacy of Ouattara's third presidential term, still carry a risk of harassment for participants.

Score Change: The score improved from 2 to 3 because Ivorians encountered less harassment or retaliation for engaging in private discussion than in the previous year.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (+1)

E1. Is there freedom of assembly? 2 / 4 (+1)

Freedom of assembly was restricted by June 2019 criminal code revisions, which include one- to three-year prison sentences for organizing "undeclared or prohibited" assemblies and a vague definition of "public order" that can be broadly interpreted by authorities.

President Ouattara banned public demonstrations and protests throughout the 2020 election period. Police violently dispersed protests and other acts of civil disobedience that stemmed from the opposition's election boycott; more than 50 people were killed because of violence at public demonstrations.

In 2021, fewer political demonstrations and protest marches took place than in the previous year; those that did occur were largely peaceful, and were not subjected to police violence or interference.

Score Change: The score improved from 1 to 2 because protesters faced fewer physical threats than in the previous year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Domestic and international nongovernmental organizations (NGOs) are generally free to operate. However, poor security conditions—especially in north and west—are a constraint for some organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The right to organize and join labor unions is constitutionally guaranteed. Workers have the right to bargain collectively. Côte d'Ivoire typically has various professional strikes every year, though sometimes strikes have become violent. Teachers and university lecturers held a nationwide strike over salaries, bonuses, and housing aid from January through March 2019.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The judiciary is not independent, and judges are highly susceptible to external interference and bribes. Processes governing the assignment of cases to judges are opaque. The courts generally adjudicate cases in accordance with the ruling party's political interests, and the judiciary was fully mobilized to support President Ouattara's third term.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The constitution guarantees equal access to justice and due process for all citizens, but these guarantees are poorly upheld in practice. The state struggles to provide attorneys to defendants who cannot afford legal counsel. Security officials are susceptible to bribery and are rarely held accountable for misconduct. Prolonged pretrial detention is a serious problem for both adults and minors, with some detainees spending years in prison without trial. In late 2018, the lower house adopted a new Code of Criminal Procedure that included a circuit of criminal courts to address the backlog.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Physical violence against civilians in the form of extortion, banditry, and sexual violence, sometimes perpetrated by members of the state armed forces, remain common. Disputes over land use and ownership between migrants, and those who claim customary land rights, sometimes turn violent. The country's prisons are severely overcrowded, and incarcerated adults and minors are not always separated.

Concerns about impunity, victor's justice, and reconciliation have persisted after the close of the 2010–11 conflict. To date, only a handful of individuals have been put on trial for crimes committed during that period, and most prosecutions have focused on figures associated with Gbagbo. In 2018, Ouattara pardoned 800 people accused or convicted of committing violent acts during the 2010–11 conflict, including former first lady Simone Gbagbo, ostensibly to foster reconciliation. In January 2019, the ICC acquitted former president Gbagbo of crimes against humanity during the 2010–11 conflict, and Gbagbo was conditionally released. The acquittal was upheld in March 2021, and Gbagbo returned to Côte d'Ivoire in June.

In November 2020, the United Nations reported that over 3,000 people fled Côte d'Ivoire because of postelection violence. Many of those who fled returned to Côte d'Ivoire in 2021.

Throughout 2020 and 2021, numerous terrorist attacks occurred in the north of country, along the borders with Burkina Faso and Mali. In February 2021, the head of French intelligence warned that terrorist groups were planning to expand their operations in Côte d'Ivoire and in December, the government increased its budget for antiterrorism programs in the north.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Same-sex relations are not criminalized in Côte d'Ivoire, but LGBT+ people can face prosecution under criminal code language amended in 2019 that references "unnatural acts" and "moral sensitivity." No law prohibits discrimination based on sexual orientation. LGBT+ people face societal prejudice as well as harassment by state security forces.

Intercommunal tensions over land rights frequently involve migrants from neighboring countries, who sometimes experience violent intimidation.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement has improved since 2011. However, irregular checkpoints and acts of extortion continue in some areas, particularly in the west and north, and near gold and diamond-producing regions. The government's efforts to combat these practices have been undermined by inconsistent financial support and a failure to investigate and prosecute perpetrators. Women are generally afforded equal freedom of movement, though risks of insecurity and sexual violence hinder this in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Citizens have the right to own and establish private businesses, and the country has attracted significant investment since 2011. However, property and land rights remain weak, especially in the west, where conflict over land tenure remains a significant source of tension. Under a new marriage law passed in July 2019, women are legally entitled to use inherited property as collateral for loans. Migrants may be discriminated over land issues even though they have legal documents of their property title.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women suffer significant legal and economic discrimination, and sexual and gender-based violence are widespread. According to a 2019 survey carried out by Citizens for the Promotion and Defense of the Rights of Children, Women and Minorities (CPDEFM), an Ivorian NGO, more than 70 percent of women in Abidjan, Côte d'Ivoire's largest city, have been victims of domestic violence. The spread of COVID-19 has also been linked to an increase in violence against women; during a COVID-19-related lockdown between March and May 2020, cases of domestic violence rose by 52 percent.

Legal protections from gender-based violence are weak and are often ignored. Impunity for perpetrators also remains a problem, and when it is prosecuted, rape is routinely reclassified as indecent assault. Costly medical certificates are often essential for convictions, yet are beyond the means of victims who are impoverished.

Child marriage is historically widespread, though the July 2019 marriage law set the minimum age for marriage at 18 for both sexes. Customary and religious marriages, more common outside urban areas, were not affected by the law. The July 2019 law also banned same-sex marriage.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Despite efforts by the government and international industries in recent years to counter the phenomenon, child labor is a frequent problem, particularly in the cocoa industry. Human trafficking is prohibited by the new constitution, but government programs for victims of trafficking—often children—are inadequate.

Croatia

Population: 4,000,000

Capital: Zagreb

Freedom Status: Free

Electoral Democracy: Yes

Overview: Croatia is a parliamentary republic that regularly holds free elections. Civil and political rights are generally respected, though corruption in the public sector is a serious issue. The Roma and ethnic Serbs face discrimination, as do LGBT+ people. In recent years, concerns about the presence of far-right groups and figures espousing discriminatory values in public life have increased.

KEY DEVELOPMENTS IN 2021

- Local elections were held in May, and saw the conservative Croatian Democratic Union (HDZ) win most mayoral and municipal races throughout the country. However, in Zagreb, Tomislav Tomašević of the left-wing We Can party won the mayoral race with more than 65 percent of the vote; We Can candidates also won 23 of the 47 seats on Zagreb's city council.
- Police violence against migrants, refugees, and asylum-seekers continued throughout the year, with nearly 12,000 illegal pushbacks documented along the country's border with Bosnia and Herzegovina, leading to criticism from human rights advocates and European Union (EU) representatives.

POLITICAL RIGHTS: 36 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who is head of state, is elected by popular vote for a maximum of two five-year terms. The prime minister is head of government and is appointed by the president with parliamentary approval.

Former Social Democratic Party (SDP) prime minister Zoran Milanović defeated incumbent Kolinda Grabar-Kitarović in the second round of the country's presidential elections in January 2020, capturing 52.7 percent of the vote. Voter turnout was 55 percent.

Chairman of the HDZ Andrej Plenković remained prime minister following the 2020 legislative elections.

Local elections were held in May 2021. The governing HDZ won mayoral races in 15 of Croatia's 20 prefectures, but did not win in the country's three largest cities. In Zagreb, Tomislav Tomašević of the left-wing We Can party won 65.25 percent of the vote, defeating far-right candidate Miroslav Škoro in the second round of the elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 151-member unicameral parliament, called the Hrvatski Sabor, are elected to four-year terms.

Prime Minister Plenković called for the 2020 parliamentary election to occur in July, a few months ahead of schedule. Critics claimed he moved the date forward to capitalize on

the public's perception of the governing HDZ's success in addressing the COVID-19 pandemic. The HDZ went on to capture 66 seats, which enabled the party to form a coalition government with two smaller parties. The main opposition party, the SDP, won 41 seats, the far-right Homeland Movement party secured 16, and the new left-wing We Can party took 8. Though the elections were deemed free and fair, ethnic Serb candidates experienced harassment during the campaign.

The HDZ won most races throughout the country in the May 2021 local elections. However, both the HDZ and SDP lost a number of council seats in Croatia's largest cities; in Zagreb, We Can won 23 of the 47 seats on the city council.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

While some concerns about the use of public funds for political campaigns persist, in general, the State Election Commission (SEC) implements robust electoral laws effectively.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Citizens may freely organize and participate in the activities of a wide variety of political parties. A slate of new right- and left-wing populist parties and candidates emerged in the 2019 European Parliament elections. Two new coalitions made breakthroughs in the July 2020 parliamentary election: the far-right Homeland Movement and the new left-wing coalition We Can. In May 2021, We Can won both the Zagreb mayoral and city council elections with a decisive mandate.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The SDP-led opposition coalition holds a significant bloc of seats in the legislature and is generally able to operate free from restrictions or intimidation. In general, however, the HDZ has dominated politics and draws support from the Roman Catholic Church, veterans, and a growing number of conservative nongovernmental organizations (NGOs). The main SDP-led opposition bloc has won the most seats in only two parliamentary elections since 1991, although the country was headed by non-HDZ executives from 2000-2015, including an SDP president from 2010 to 2015 and again since 2020.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

While voters and candidates are generally able to freely express their political choices, many public servants obtained their positions through patronage networks, and thus risk becoming beholden to a party or special interest group as a result. Patronage networks are particularly influential in Zagreb, which was under the stewardship of HDZ-affiliated mayor Milan Bandić—considered one of the country's most powerful politicians—almost continuously from 2000 until he passed away suddenly in February 2021. Bandić's nearly 20-year tenure was marked by corruption allegations and credible allegations of improper hiring practices and public procurement deals.

The Catholic Church remains influential in Croatia and has begun associating with conservative and far-right civil society groups, which have become a bigger factor in local politics in recent years. Veterans groups are also influential, especially in regard to the still

contentious memory politics of the Independence War (1991–1995) and the position of ethnic Serbs in Croatian society.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Eight parliamentary seats are set aside for ethnic minorities, including three for ethnic Serbs. However, the political interests of marginalized groups, notably Roma and Serbs, are underrepresented. Another three seats are reserved for Croatian citizens in the diaspora, including ethnic Croats in neighboring Bosnia and Herzegovina.

Women are represented across political parties, and women have held Croatia's presidency between 2015 and 2019 and the prime minister's office between 2009 and 2011. However, the number of women in parliament decreased in 2016 after the Constitutional Court struck down a law requiring 40 percent of a party's candidates be women. In the 2020 parliamentary election, 35 women from various political parties won seats in parliament.

The treatment of ethnic Serbs in public office in Croatia has deteriorated in recent years. In September 2018, sitting lawmaker and Independent Democratic Serb Party (SDS) leader Milorad Pupovac was pelted with food items by a protester in Zagreb. Pupovac claimed the incident reflected growing hostility toward the Serb population from ascendant right-wing movements in the country, many of which enjoy the tacit support of the HDZ. Pupovac remained the target of verbal attacks throughout 2019 and 2020, and his party's election posters were repeatedly defaced during both the European Parliament and Croatian elections.

Societal discrimination discourages LGBT+ people from participating in politics, and elements of the political establishment have espoused discriminatory attitudes in their activism.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Democratically elected representatives are duly installed into office and are generally able to make public policy without undue external influence or pressure.

C2. Are safeguards against official corruption strong and effective? 3 / 4

A criminal code in effect since 2013 enforces stiffer penalties for various forms of corruption. While some progress has been made, official corruption—including nepotism, bribery, fraud, and patronage—remains a serious problem. The European Commission singled out corruption as a major issue facing the country and local NGOs have observed that the problem has actually worsened since the country joined the bloc in 2013.

In November 2020, former prime minister Ivo Sanader was sentenced to eight years in prison for taking money from public companies to create slush funds for the HDZ. The HDZ was fined and compelled to return millions of illegally obtained funds.

In July 2021, Kazimir Bačić, the director of the state broadcaster Croatian Radiotelevision (HRT), was arrested on suspicion of bribery and influence trading; he was released from custody in October. Bačić was a leading figure in the broader HDZ patronage network and a long-time associate of Milan Bandić.

C3. Does the government operate with openness and transparency? 3 / 4

In 2013, Croatia adopted the Law on the Right of Access to Information. The legislation created a proportionality and public-interest test designed to balance reasons for disclosing information and reasons for restricting it. It also established an independent information

commissioner to monitor compliance. However, government bodies do not always release requested information in a timely manner.

Media reports in 2018 suggested that former economy minister Martina Dalić and a group of well-connected businesspeople and lawyers crafted a 2017 law allowing the government to take over management of the troubled agricultural company Agrokor. The entire drafting process took place in private meetings outside of official proceedings. Facing conflict-of-interest allegations, Dalić resigned in May 2018.

CIVIL LIBERTIES: 49 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 3 / 4

Media in Croatia is highly polarized but generally free from overt political interference or manipulation. However, journalists continue to face threats, harassment, and occasional attacks—sometimes at the hands of police—which has created an atmosphere of self-censorship. The European Federation of Journalists (EFJ) and local journalist associations have warned of growing political pressure and attacks on the Croatian press under the HDZ government. A 2020 European Commission report warned about deteriorating media freedoms in Croatia.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The Croatian constitution guarantees freedom of religion, and this is generally upheld in practice. However, the small Serb Orthodox community remains vulnerable to harassment, and members have reported vandalism of their churches. Jewish communities and other groups have expressed increasing concern about Holocaust denial and displays by right-wing nationalists of symbols and slogans associated with the fascist Ustaša regime that governed Croatia during the Second World War. Revisionist accounts of the Ustaša period continued to be promoted by far-right groups and newspapers in 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

While there are generally no overt restrictions on speech in classrooms, critics continue to allege inappropriate political interference at all levels of education. While aspects of a long-planned modernization of school curriculums were approved by the parliament in 2018, the HDZ has long sought to delay the updates and has moved to install its own members into the group tasked with developing its policies—including extremely conservative members opposed to sex education.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to engage in discussions of a sensitive nature without fearing surveillance or retribution, although there have been some reports of police arresting individuals voicing criticism of the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is protected and respected in Croatia.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs in Croatia are robust, active, and free from restrictions. However, many groups have complained of growing political pressure from parts of the government and the HDZ against journalists and civil society activists.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The constitution allows workers to form and join trade unions, and this right is generally respected in practice.

F. RULE OF LAW: 11 / 16**F1. Is there an independent judiciary? 3 / 4**

While judicial independence is generally respected, there have been recent concerns about the influence of extreme right-wing groups on the judiciary. For example, in 2017, a court reversed a 1945 conviction of an academic who was complicit in atrocities committed by the fascist Ustaša regime. Critics allege the courts have been ruling in line with the views of right-wing NGOs and the HDZ, while the courts maintain that they are redressing partisan rulings of the Yugoslav communist era.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are generally upheld, but the system tends to work more efficiently for individuals with abundant resources or high social standing.

In November 2018, Ivica Todorović, the former owner of Agrokor under investigation for fraud in relation to the company's collapse, was extradited from the United Kingdom. He was arrested upon arrival in Croatia but released days later after posting the €1 million bail. Todorović was acquitted in one trial in October 2020 but still faced other charges.

The International Commission on Missing Persons (ICMP) has criticized Croatia for its slow progress in identifying human remains of victims of the 1991–95 conflicts and in making reparations to survivors and their families.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violence by state and nonstate actors is uncommon. Prison conditions do not meet international standards due to overcrowding and inadequate medical care.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Ethnic and religious minorities and LGBT+ people in Croatia face discrimination. Analysts have expressed concerns that the increasing visibility of far-right, nationalist groups has spread discriminatory rhetoric. Occasionally, the government's actions suggest their endorsement of far-right groups, and observers have expressed concern that the government has tacitly approved of discriminatory behavior. A group of NGOs in December 2018 criticized the government for lacking a comprehensive human rights policy, and warned of the continuing deterioration of protection of human rights in the country, especially for marginalized groups and women.

The constitution prohibits gender discrimination, but women earn less than men for comparable work and hold fewer leadership positions.

According to a June 2021 Council of Europe (CoE) report on the protection of national minorities, ethnic Serbs continue to face high levels of discrimination. In July, a cadet was

dismissed from the state police academy, allegedly for filming herself performing a traditional Serbian folk dance while in uniform; the Police Officers' Union has suggested that the Serbian origin of the dance led to her dismissal.

Police violence against migrants, refugees, and asylum-seekers continued in 2021, according to the Danish Refugee Council (DRC). Most such incidents, including nearly 12,000 illegal pushbacks of refugees and migrants, took place along the border with Bosnia and Herzegovina. The DRC has produced photographs and testimony of grave abuses allegedly committed by border police toward migrants and refugees, including sexual violence and torture. In December, the CoE's Committee for the Prevention of Torture (CPT) found that Croatian authorities had repeatedly failed to investigate reports of these "systematic" and "serious" abuses allegedly committed by border police.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is protected by the constitution and upheld in practice. People may freely change their place of residence, employment, or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are generally well protected. However, corruption can inhibit normal business operations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

In 2014, following a 2013 referendum that banned same-sex marriage, the parliament passed a law allowing same-sex civil unions. The law affords same-sex couples equal rights in inheritance, social benefits, and taxation, and in April 2021, an administrative court in Zagreb ruled that same-sex couples have the right to adopt children.

Domestic violence remains a concern. Convictions for rape and domestic violence can bring lengthy prison terms, although Amnesty International noted that the vast majority of cases receive light sentences of one year or less. Police sometimes fail to adhere to recommended procedures for handling reports of domestic violence.

In April 2018, lawmakers ratified the Istanbul Convention, a treaty on preventing and combating gender-based and domestic violence. The treaty was unpopular among conservative and far-right groups who believed its tenets could lead to the legal introduction of same-sex marriage, a third gender category, or school curriculum changes. In response, the government adopted a statement saying the treaty's adoption would not change the legal definition of marriage. Amnesty International criticized the Croatian government for failing to harmonize its legislative and policy framework with the treaty's terms.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Worker protection laws are robust, and the Office of the Labor Inspectorate actively investigates work sites. However, labor violations remain a problem within the hospitality sector. Workers in the informal sector have less access to legal protections.

Human trafficking remains a problem, sentences for those convicted of it can be light, and witness statements are not always given the appropriate consideration in court cases.

Cuba

Population: 11,200,000

Capital: Havana

Freedom Status: Not Free

Electoral Democracy: No

Overview: Cuba's one-party communist state outlaws political pluralism, bans independent media, suppresses dissent, and severely restricts basic civil liberties. The government continues to dominate the economy despite recent reforms that permit some private-sector activity. The regime's undemocratic character has not changed despite a generational transition in political leadership between 2018 and 2021 that included the introduction of a new constitution.

KEY DEVELOPMENTS IN 2021

- Cuba saw the largest protests in over 20 years on July 11, as protesters nationwide rallied over goods shortages, economic difficulties, and the government's COVID-19 response. Security forces responded violently, using live ammunition, tear gas, and charging maneuvers against participants. Detainees faced torture and degrading treatment while in custody and suffered due process violations during subsequent trials.
- The government continued to target the dissident San Isidro Movement (MSI) and 27N artist collectives during the year. MSI member Luis Manuel Otero Alcántra was forced to a hospital in early May to end a hunger strike and was detained on July 11, while MSI cofounder Maykel Castillo Pérez was detained in mid-May. Otero and Castillo remained in custody at year's end.
- In August, the government gazetted Decree Laws 35 and 42, both of which target the dissemination of information deemed false or detrimental to "public order." The government also gazetted Resolution 105, which targets "false news," that month.
- Havana retired the convertible peso (CUC) in January, ending the country's dual currency system. The Cuban peso (CUP), the surviving domestic currency, lost value against the US dollar on the black market as the year progressed.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the 2019 constitution, the president and vice president of the republic are chosen to serve up to two five-year terms by the National Assembly. The prime minister and the Council of Ministers are designated by the National Assembly upon the president's recommendation. In practice, these processes ratify candidates who have been preselected by the Communist Party of Cuba (PCC).

Miguel Díaz-Canel Bermúdez was elected president of the republic under the new constitutional system in a nearly unanimous National Assembly vote in October 2019. That December, he named Manuel Marrero Cruz prime minister. National Assembly president Juan Esteban Lazo Hernández became president of the Council of State, Cuba's top executive office under the old constitution, in October 2019, succeeding Díaz-Canel.

Raúl Castro Ruz, who preceded Díaz-Canel as president of the Council of State, continued to wield considerable power as PCC first secretary. However, Castro retired from that post during the April 2021 party congress and was succeeded by Díaz-Canel. Castro maintains significant influence despite his retirement.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The unicameral National Assembly is directly elected to serve five-year terms, but a PCC-controlled commission designates all candidates, presenting voters with a single candidate for each seat. Those who receive more than 50 percent of the valid votes cast are deemed elected. The National Assembly in turn selects members of the Council of State, a body that exercises legislative power between the assembly's two brief annual sessions. In the 2018 National Assembly elections, all 605 of the approved candidates were deemed elected.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The only Cuban elections that offer a choice of more than one candidate per office are those for municipal assemblies, but no campaigning is allowed. This did not change under the electoral law unanimously approved in 2019 following ratification of the new constitution, which retained the system of PCC-controlled electoral and candidacy commissions. However, the new law eliminated provincial assemblies, calling instead for municipal assemblies to approve provincial governors proposed by the president, and cut the number of National Assembly delegates to 474 as of the 2023 elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The constitution identifies the PCC as the “superior driving force of society and the state.” All other political parties are illegal.

Political dissent is a punishable offense, and dissidents are systematically harassed, detained, physically assaulted, and imprisoned for minor infractions. Supposedly spontaneous mob attacks, known as “acts of repudiation,” are often used to silence political dissidents. Madrid-based nongovernmental organization (NGO) Prisoners Defenders reported that 251 political prisoners were held by Cuban authorities as of September 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The PCC has monopolized government and politics in Cuba since the mid-1960s, allowing no electoral competition and any alternative force from succeeding it through a democratic transfer of power. Dissident groups were blocked from fielding independent candidates in the 2017 municipal elections, while security forces suppressed opposition activity during both the February 2019 constitutional referendum and the October 2019 election of Díaz-Canel.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The authoritarian one-party system in Cuba excludes the public from any genuine, autonomous political participation. Intelligence agencies play an important role in suppressing

dissent and wield deep influence over virtually every aspect of the state. Members of dissident groups and even independent actors in the arts, journalism, and other fields are systematically surveilled and periodically interrogated in order to silence them or turn them into informants.

State employees who express political dissent or disagreement with the authorities often face harassment or summary dismissal. Professionals dismissed from their jobs in the state sector have difficulty continuing their careers.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The PCC leadership has exhibited greater gender and racial diversity in recent years. However, since political rights are denied to all Cuban citizens, women, Afro-Cubans, and members of other demographic groups are unable to choose their representatives or organize independently to assert their political interests.

Women hold more than half of the 605 National Assembly seats. However, women held only 3 seats in the 12-seat Political Bureau of the PCC Central Committee during the April 2021 party congress. Cubans of African and mixed-race descent are well represented in the legislature. Lazo, an Afro-Cuban PCC stalwart, simultaneously holds the powerful positions of National Assembly president and head of the Council of State.

The political interests of LGBT+ people are not well represented. Some public advocacy is permitted, but only with the permission of the PCC.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

None of Cuba's nominally elected officials are chosen through free and fair contests, and major policy decisions are reserved for the PCC leadership in practice. The National Assembly, which the constitution describes as the "supreme organ of state power," has little independent influence, meets for brief sessions twice a year, and votes unanimously on nearly all matters before it.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a serious problem in Cuba, with widespread illegality permeating everyday life. The state enjoys a monopoly on most large business transactions, and there are no independent mechanisms to hold officials accountable for wrongdoing.

The government has at times pursued anticorruption campaigns, and long prison sentences have been imposed on high-level Cuban officials and foreign businessmen found guilty of corruption-related charges. However, internal reforms that would make the system more transparent and less prone to abuse have been rejected, and the authorities do not tolerate civil society groups, independent journalists, or independent courts that might serve as external checks on government malfeasance.

C3. Does the government operate with openness and transparency? 0 / 4

Cuba lacks effective laws that provide for freedom of information and access to official records. Decree Law 6 of 2020 allows individuals to request data from the national statistics office; in practice, however, officials can decline such requests.

CIVIL LIBERTIES: 11 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16**D1. Are there free and independent media? 0 / 4**

Cuba has one of the most restrictive media environments in the world. The formal media sector is owned and controlled by the state, and the constitution prohibits privately owned media. The country's independent press operates outside the law, its publications are considered "enemy propaganda," and its journalists are routinely harassed, detained, interrogated, threatened, defamed in the official press, and prohibited from traveling abroad. Government agents regularly accuse them of being mercenaries and even terrorists, and many face charges of "usurpation of legal capacity," "diffusion of false news," or other vaguely defined offenses. Journalists at state-owned outlets engage in similar discourse when discussing dissidents; in April 2021, television presenter Humberto López called for members of the MSI and 27N artist collectives to be charged with "treason against the homeland," a capital offense.

The government closely monitors and persecutes perceived dissidents within the artistic community, mainstream artists, and media figures who air independent or critical views. In May 2021, authorities forcefully entered the home of MSI member Luis Manuel Otero Alcántra—who began a hunger strike over the seizure and destruction of artwork in April—and sent him to a hospital. Otero was discharged at the end of May but was arrested on July 11, as protests were held nationwide. Otero held another hunger strike between late September and mid-October.

In mid-May 2021, MSI cofounder Maykel Castillo Pérez was detained by the authorities and was charged with crimes including "resistance" and "contempt." Castillo, who coproduced and performed the antigovernment song "Patria y Vida" ("Homeland and Life") along with Otero, began a hunger strike in late October while held at Pinar del Río prison. Both Otero and Castillo remained in detention at year's end.

Journalists and artists were exiled or were otherwise prohibited from returning to Cuba during 2021. In March, opposition journalist Karla Pérez González, who was traveling to the country from Costa Rica, was denied entry. Costa Rica granted Pérez refugee status in August. In June, artist and 27N member Hamlet Lavastida was arrested and accused of instigating a crime for communicating with other members of the collective. Lavastida and his partner, poet Katherine Bisquet, were both exiled from Cuba in September.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

While Cubans do enjoy religious freedom, official obstacles make it difficult for churches to operate without interference. Certain church groups have struggled to obtain registration, and association with an unregistered group is a criminal offense. The Roman Catholic Church has enjoyed an expansion of its pastoral rights, including periodic access to state media and public spaces and the ability to build new churches and distribute its own publications. Protestant and evangelical groups tend to face greater restrictions, though they too have experienced improved conditions in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is restricted in Cuba. Private schools and universities have been banned since the early 1960s, teaching materials often contain ideological content, and educators commonly require PCC affiliation for career advancement. University students have been expelled for dissident behavior. Despite the elimination of exit visas in 2013, university

faculty must still obtain permission to travel to academic conferences abroad, and officials often prevent dissident intellectuals from attending such events. Officials also deny entry to prominent intellectuals who have been critical of the regime. Recent years have featured numerous cases of academics being dismissed from positions in reprisal for their political opinions or activities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Cubans often engage in private discussions regarding everyday issues like the economy, food prices, foreign travel, and internet access, but tend to avoid discussing more sensitive political issues. Neighborhood-level “Committees for the Defense of the Revolution” assist security agencies by monitoring, reporting, and suppressing dissent.

The authorities also monitor expressions of dissent on social media and through surveillance of electronic communications, punishing users with criminal charges or other forms of reprisal. Decree Law 370 of 2019 bans Cuban citizens from hosting their writings on foreign servers—including social media platforms like Facebook—and prohibits the circulation of “information contrary to the social interest, morals, good customs, and integrity of people.” Under Decree Law 389 of 2019, authorities can engage in electronic surveillance without prior judicial approval and use the information gained in criminal cases.

Several laws and resolutions that restrict private discussion were gazetted in August 2021. That month, the government gazetted Decree Law 35, which allows the state-run Telecommunications Company of Cuba SA to terminate networks used to disseminate information considered false or detrimental to “public order.” The government also gazetted Decree Law 42, which requires internet service providers to suspend or terminate the services of users who disseminate such content. Resolution 105, meanwhile, targets “the dissemination of false news.”

Anonymity and encryption technologies are legally prohibited, but many Cubans with mobile internet access use encrypted services such as WhatsApp and Telegram to communicate privately among trusted friends.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

Restrictions on freedom of assembly remain a key form of political control. Security forces and government-backed assailants routinely break up peaceful gatherings or protests by political dissidents and civic activists. The government also targets assemblies and gatherings using COVID-19 measures.

Authorities and officials disrupted and forcefully dispersed several protests during the year. 27N supporters held a protest in front of the Culture Ministry’s headquarters in January, which ended after Culture Minister Alpidio Alonso Grau slapped a journalist.

On July 11, Cubans participated in the largest rallies in over 20 years, holding nationwide protests over shortages of basic goods, economic difficulties, and the government’s COVID-19 response. President Díaz-Canel called on government supporters to oppose the protests, saying “the order to combat has been given” in televised remarks. Authorities acted violently in order to disperse the protests; security officers used live ammunition, tear gas, and pepper spray, and were also seen charging protesters. One person was killed and as many as 1,300 people were arrested, with over 700 remaining in detention as of late December.

Authorities also restricted the activities of Archipiélago, a group that sought to organize antigovernment rallies in November 2021 and called for the release of those detained in July.

In October, the group's request to hold protests in November was denied. Later in October, prosecutors warned its leaders not to proceed with their plans. On November 15, security forces were deployed to prevent the planned protests from occurring, while organizers and prominent government opponents were detained. Playwright and Archipiélago leader Yúnior García Aguilera fled Cuba for Spain several days later.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Citing the 1985 Law on Associations, the government refuses to register any new organization that is not state supervised. Nearly all politically motivated short-term detentions in recent years have targeted members of independent associations, think tanks, human rights groups, political parties, and trade unions.

A number of NGOs suffered repression during 2021, with members facing arrest, detention, and exile. In addition to the MSI, the authorities also targeted 27N, Archipiélago, the Ladies in White, and the Patriotic Union of Cuba (UNPACU). UNPACU leader José Daniel Ferrer García was arrested when trying to join the July 11 protests. In August, the government revoked a home-detention order originating from a previous conviction, sending Ferrer to prison to serve a 4-year-14-day term. In November 2021, Ladies in White leader Berta Soler Fernández and UNPACU member Guillermo Fariñas were among those arrested and detained as authorities sought to disrupt that month's planned Archipiélago rallies.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Cuban workers do not have the right to strike or bargain collectively, and independent labor unions are illegal.

F. RULE OF LAW: 1 / 16 (-1)

F1. Is there an independent judiciary? 0 / 4

According to the constitution, the National Assembly controls judicial appointments and suspensions, and the Council of State exercises these powers when the assembly is not in session. The Council of State is also empowered to issue "instructions of a general character" to the courts, whose rulings typically conform to the interests of the PCC. Judges must enforce laws on vaguely defined offenses like "public disorder," "contempt," "disrespect for authority," and "precriminal dangerousness," which are used to prosecute the regime's political opponents.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The regime's systematic violation of due process is regularly illustrated by trumped-up criminal cases against dissidents and independent journalists.

Those arrested on July 11, 2021 faced due process violations, with the judiciary holding summary trials against defendants. Courts issued convictions and sentences against 40 people by early August, with none of those individuals benefiting from legal representation. Another round of trials reportedly took place in December, with the US State Department noting that over 150 defendants received prison sentences during those proceedings; some defendants convicted in December received terms lasting as long as 30 years.

Cubans facing trial do not benefit from speedy proceedings. Luis Robles Elizástigui was arrested after holding a one-person protest in December 2020 but did not face proceedings over charges of "disobedience" and disseminating "enemy propaganda" until December 2021, with prosecutors requesting a six-year sentence.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4 (-1)

Although violent crime rates are believed to be relatively low, physical security for the population is undermined by government-backed violence. Opposition activists, human rights defenders, and other perceived enemies of the regime are routinely subjected to public assaults, excessive use of force by police during raids and arrests, and abuse in custody. The government has repeatedly refused to allow international monitoring of its prisons. Prison conditions are poor, featuring overcrowding, forced labor, inadequate sanitation and medical care, and physical abuse.

Cubans faced violence at the hands of the authorities during and after the July 11, 2021 protests. Security forces used live ammunition against protesters and subsequently engaged in violent and degrading treatment—including torture, sleep deprivation, and threats of reprisal—against those taken into custody. A teenage girl arrested on July 11 recounted that security officers ordered her to remove her clothing and intimated that she would be raped. Opposition journalist Orelvys Cabrera Sotolongo, who was arrested while covering the protests, was also forced to remove his clothing while under interrogation. University student Leonardo Romero Negrin, who was also detained on July 11, recounted that officers physically assaulted him after he was detained. The Military Prosecutor's Office declined to criminally pursue a subsequent complaint from Romero's father by September.

Score Change: The score declined from 1 to 0 due to credible reports of violent repression of peaceful demonstrators during the July 11 protests and the degrading treatment and torture of some of those detained in subsequent months.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Article 42 of the 2019 constitution extended protection from discrimination to a wider array of vulnerable groups, explicitly adding categories such as ethnic origin, gender identity, sexual orientation, age, and disability to the existing safeguards regarding race, sex, national origin, and religion. PCC control of the government and justice system limits their ability to enforce such guarantees impartially or effectively, and independent calls for equal treatment can draw state reprisals.

Women enjoy legal equality and are well represented in most professions, though their labor force participation rate lags well behind that of men, suggesting persistent economic disparities and cultural double standards. According to the International Labour Organization (ILO), male labor force participation stood at 66.3 percent in 2019, while female labor force participation stood at 41 percent.

While racial discrimination has long been outlawed, Cubans of African descent have reported widespread discrimination and profiling by police. Many lack access to the dollar economy and receive fewer remittances from abroad than white Cubans.

Discrimination based on sexual orientation is illegal in areas such as employment and housing. Mariela Castro Espín, Raúl Castro's daughter and director of the National Center for Sex Education (CENESEX)—which seeks to control and direct LGBT+ advocacy—has advocated on behalf of LGBT+ people. However, the advocacy efforts of independent LGBT+ groups and activists are either ignored or suppressed.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Freedom of movement and the right to change one's residence and place of employment are restricted. Cubans still face extremely high passport fees, and Cuban doctors, diplomats, and athletes who "defect" abroad are prohibited from visiting for eight years. Some dissidents and journalists are barred from foreign travel, despite a 2013 migration law that rescinded the exit-visa requirement. The number of these individuals, known as *regulados*, rose sharply during 2020, with estimates exceeding 200 that year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The 2019 constitution recognized private property as one form of ownership, though opportunities to obtain property and operate private enterprises remain restricted. In July 2020, in an effort to respond to the economic effects of its COVID-19 measures, the government announced plans for a series of economic reforms, including the legalization of small and medium-sized enterprises. In June 2021, the government announced that it would allow the formation of small and medium-sized enterprises but would limit their activities to sectors that are not deemed strategic. Restrictions on self-employed workers remained under the government's updated private-enterprise policy, however.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals enjoy broad freedom in their interpersonal, romantic, and sexual relationships. While divorce is common, men and women have equal rights to marital goods and child custody. The 2019 constitution does not contain language that defines marriage as a union between a man and a woman. The draft family code published in September 2021 would allow same-sex couples to marry but will require legislative approval and approval via a referendum before it enters force.

Abortion is legal in Cuba.

The country lacks specific legislation to address domestic violence, and police are reportedly unresponsive to complaints of such abuse. In January 2021, *Granma*, a PCC mouthpiece, reported that the draft family code would more explicitly address domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Average official salaries remain extremely low. Cubans employed by foreign firms are often much better remunerated than their fellow citizens, even though most are contracted through a state employment agency that siphons off the bulk of their wages and uses political criteria in screening applicants.

The national currency's historical weakness encouraged an exodus of trained personnel into the private and tourism sectors, where the CUC—pegged to the US dollar—was used. The CUC was retired from use in January 2021 and was fully phased out by June, leaving the CUP as the country's only domestically backed legal tender. Cubans using the CUP faced inflation as the year progressed, as the currency fell in value against the US dollar on the black market.

Cyprus

Population: 1,200,000

Capital: Nicosia

Freedom Status: Free

Electoral Democracy: Yes

Note: The numerical scores and status listed here do not reflect conditions in Northern Cyprus, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: The Republic of Cyprus is a democracy that has de jure sovereignty over the entire island. In practice, however, the government controls only the southern, largely Greek-speaking part of the island, as the northern area is ruled by the self-declared Turkish Republic of Northern Cyprus (TRNC), recognized only by Turkey. Political rights and civil liberties are generally respected in the Republic of Cyprus. Ongoing concerns include corruption, societal discrimination against minority groups, and weaknesses in the asylum system.

KEY DEVELOPMENTS IN 2021

- Legislative elections were held in May, but the results left the composition of the parliament largely unchanged, with the governing center-right Democratic Rally (DISY) garnering the most votes and the left-wing Progressive Party of Working People (AKEL) placing second. However, the far-right National Popular Front (ELAM) doubled its representation from two seats to four, and the liberal centrist Democratic Alignment (DIPA) won representation for the first time.
- In June, Annita Demetriou of DISY became the first woman to win election as speaker of the Cypriot parliament.
- Protesters who were opposed to the government's COVID-19 vaccine requirements and other public health measures attacked the television station Sigma TV in July, breaking windows and setting fire to cars outside the building. The government condemned the attack, and several suspects were arrested.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is elected by popular vote for five-year terms. The current president, Nicos Anastasiades of DISY, won a second term with 56 percent of the vote in a 2018 run-off against Stavros Malas, who was backed by AKEL. The two had outpolled seven other candidates in the first round. International observers found that the overall election process adhered to democratic principles.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral House of Representatives has 80 seats filled through proportional representation in six multimember electoral districts, with members serving five-year terms. The Turkish Cypriot community has 24 reserved seats, which have been left unfilled since Turkish Cypriot representatives withdrew from the chamber in 1964.

In the May 2021 legislative elections, which were held in accordance with international standards, DISY led the voting with 17 seats, down one from 2016, followed by AKEL with 15, also a one-seat decline. The centrist Democratic Party (DIKO) received nine seats, the far-right ELAM received four, the Movement for Social Democracy–Citizens' Alliance (EDEK-SYPOL) also took four seats, and the Green Party (KOSP) secured three seats. DIPA won parliamentary representation for the first time, receiving four seats.

The elections took place while Cyprus was in a nationwide partial lockdown following an increase in COVID-19 cases. Restrictions were imposed on movement and assembly, limiting in-person campaign activities, but the rules were widely seen as legitimate public health measures.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair. In March and April 2021, lawmakers adopted legislation designed to accommodate voters who were unable to appear at ordinary polling places due to the COVID-19 pandemic. In their report on the 2021 legislative elections, election monitors from the Organization for Security and Co-operation in Europe (OSCE) noted confidence in the professionalism and impartiality of the civil servants responsible for election administration. They also recommended several improvements, including legal provisions for the presence of foreign and citizen observers, caps on parties' campaign spending, and earlier reporting requirements for such spending.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

A wide array of parties compete in the political system. Cyprus's two main parties, DISY on the right and AKEL on the left, usually split the largest share of the vote, but neither has dominated politics, and other parties are often able to play significant roles. Both DISY and AKEL lost seats in the 2021 parliamentary elections, and despite an increase in the vote threshold for representation ahead of the 2016 voting, from 1.8 percent to 3.6 percent, a new party, DIPA, was able to enter the parliament in 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Cyprus has experienced regular democratic transfers of power between rival parties in recent decades, and multiple opposition parties are able to gain representation in the legislature.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People are generally able to express their political choices without undue interference from outside actors.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Three recognized Christian minority groups—the Armenians, the Latins, and the Maronites—each have one nonvoting representative in the parliament. Members of these communities vote in special elections for their representatives, as well as in the general elections. The 24 seats reserved for the Turkish Cypriot population remain unfilled. However, in the 2019 European Parliament (EP) elections, Niyazi Kızılyürek of AKEL became the first Turkish Cypriot to be elected to the EP or to win office in the Republic of Cyprus since 1964.

Women in Cyprus have equal political rights, but they are traditionally underrepresented in political parties. No parliamentary party is led by a woman, and parties have failed to meet internal quotas mandating that 30 to 35 percent of their candidates be women. Only eight women were elected to the parliament in 2021, a decline from the 2016 results. Sexism and patriarchal attitudes discourage women from playing a more active role in politics. Despite these realities, in June 2021 Annita Demetriou of DISY became the first woman to be elected as speaker of the Cypriot parliament.

The interests of the LGBT+ community, which still faces significant discrimination from some sectors of society, are not always well represented in the political system.

C. FUNCTIONING OF GOVERNMENT: 11 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The freely elected government is able to make and implement policy without improper interference from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Cyprus has strong anticorruption laws that are, for the most part, adequately enforced. However, there have been a number of high-profile corruption scandals in recent years, and critics of the government's record have raised concerns about early releases and pardons of individuals convicted on corruption charges.

An August 2020 investigative report from Al-Jazeera on Cyprus's citizenship-by-investment program revealed that at least 30 of the roughly 1,400 wealthy applicants who received European Union (EU) citizenship by investing €2 million (\$2.4 million) in Cyprus had criminal convictions or pending charges; another 40 were identified as "politically exposed persons," meaning they held senior positions in governments or state-owned enterprises. This led some analysts to conclude that members of the Cypriot government may have knowingly facilitated the problematic applications in violation of the law. The government terminated the citizenship-by-investment program in November 2020 and stopped receiving new applications, but it continued to process pending applications during 2021. In February 2021, partly in response to the controversy, Interior Minister Nicos Nouris introduced draft legislation that would impose stricter criteria for the naturalization of foreign citizens in general, including a threshold for duration of legal residency, a clean criminal record, and basic knowledge of the country's language and culture.

C3. Does the government operate with openness and transparency? 4 / 4

In general, the government operates with openness and transparency. The country enacted a long-awaited freedom of information law in 2017, though civil society activists had argued that the bill's exemptions were too broad.

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16**D1. Are there free and independent media? 4 / 4**

Freedom of speech is constitutionally guaranteed, and media freedom is generally respected. A vibrant independent press frequently holds the authorities to account. Numerous private outlets compete with public media, and there are no restrictions on access to online news sources.

In July 2021, a group of violent protesters attacked and vandalized the offices of the television station Sigma TV, breaking windows and setting fire to cars near the building. They were part of a larger demonstration of roughly 5,000 people who were expressing opposition to the government's measures to curb COVID-19 transmission and increase vaccination rates. Government officials denounced the violence, and a number of suspected perpetrators were arrested.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed by the constitution and generally protected in practice. Nearly 90 percent of those living in government-controlled Cyprus are Orthodox Christians, and the Orthodox Church enjoys certain privileges, including religious instruction and some religious services in public schools. Non-Orthodox students may opt out of such activities. The government also constitutionally recognizes and subsidizes non-Orthodox Christian and Muslim religious institutions, and it facilitates crossings at the UN buffer zone between north and south for the purpose of worship at religious sites. Muslim groups have occasionally faced obstacles in the operation of their religious sites or discrimination by the general public. Unrecognized religious groups can receive tax exemptions by registering as nonprofit organizations.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is respected in Cyprus. However, state schools use textbooks containing negative language about Turkish Cypriots and Turkey, and there is some political pressure regarding schools' treatment of sensitive historical and unification-related issues. In September 2021, the Education Ministry ordered the withdrawal of an English-language textbook that made positive references to Mustafa Kemal Atatürk, the founder of the Republic of Turkey.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to engage in political and other sensitive discussions without fear of retribution or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12 (-1)**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally guaranteed and generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4 (-1)

NGOs are generally free to operate without government interference. However, in June 2020, the Supreme Court ordered Action for Equality, Support, Antiracism (KISA) to pay a €10,000 (\$12,000) fine for defamation over a document that criticized two government

appointees. In August of that year, the parliament amended the law on associations, empowering the Ministry of Interior to swiftly deregister NGOs that it deems inactive or noncompliant with the law's filing requirements. The ministry then deregistered KISA, which was known for its advocacy on behalf of migrants and asylum seekers, in December 2020, on the grounds that it failed to file with the Registrar of Associations within the required deadline to show that its constitution was compatible with the law. The necessary information was submitted after the deadline, but in February 2021 the ministry ordered banks to freeze the organization's assets, and in June the Administrative Court rejected KISA's appeal of the deregistration. An appeal to the Supreme Court was pending at year's end.

Score Change: The score declined from 4 to 3 due to a pattern of government pressure on an antiracism NGO that threatened the group's ability to continue operating.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to strike, form independent trade unions, and engage in collective bargaining. The law provides remedies for antiunion discrimination, though enforcement is uneven.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent in practice. Supreme Court judges are appointed by the president on the recommendation of the court's existing members, and lower court judges are appointed by Supreme Court judges in their capacity as the Supreme Council of Judicature.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The justice system generally upholds due process standards. Law enforcement agencies largely observe safeguards against arbitrary arrest and detention, and criminal defendants have access to counsel and fair trial procedures.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Residents of Cyprus are free from major threats to physical security, though human rights monitors have noted cases of police brutality. Overcrowding and other problematic conditions have been reported at prisons and migrant detention centers.

In an attempt to block Cyprus's efforts to explore for offshore oil and gas, the Turkish government has threatened to use force against drilling vessels. Ankara argues that the maritime areas in question are under the jurisdiction of either Turkey or the TRNC, leading to a number of tense confrontations at sea in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Despite government efforts to combat prejudice and inequality, members of non-Greek Cypriot minority groups, including migrants and asylum seekers, face discrimination and occasional violence.

A total of 13,260 first-time asylum applications were filed in Cyprus during 2021, up sharply from the roughly 7,000 submitted in 2020. Most asylum seekers arrive by land through the TRNC, prompting allegations from the Cypriot government that Ankara is encouraging irregular migration. Cypriot authorities have denied reports that they engage in unlawful maritime pushbacks to prevent arrivals by sea. The Cypriot Asylum Service

estimated that there were nearly 17,000 asylum applications pending at the end of 2021, though this was a slight reduction from the previous year. A specialized administrative court began operating in 2019 to handle appeals. While many newcomers are quickly released from overburdened reception centers, they often lack access to other housing. In 2021, the government simplified procedures for the hiring of asylum seekers, though they were permitted to work only in certain sectors and categories of employment.

Overcrowding and other poor conditions at the Pournara reception center have been exacerbated in recent years by COVID-19 and the rise in new arrivals, prompting periodic protests by the residents. The center, built in 2014 as an emergency reception facility for up to 400 people, was later expanded to accommodate 1,000. By December 2021 it reportedly hosted more than 2,500 people.

Gender discrimination in the workplace remains a problem, including with respect to hiring practices, salaries, and sexual harassment; laws against it have not been adequately enforced.

Antidiscrimination laws generally prohibit bias based on sexual orientation, and there are legal protections for transgender people on some issues as well. For example, laws barring incitement to hatred apply to both sexual orientation and gender identity. However, the LGBT+ community continues to face societal discrimination in practice.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

There are few impediments to freedom of movement within the government-controlled area of the Republic of Cyprus. The UN buffer zone dividing the island remains in place, but the number of border crossings between north and south has increased over the last decade. In June 2021, Cypriot authorities reopened checkpoints that had been closed for months in response to the COVID-19 pandemic.

In August, the Cypriot government decided to rescind the passports of senior TRNC officials, arguing that the Turkish Cypriot leaders had subverted the country's integrity when they announced plans to reopen parts of the resort town of Varosha, a key point of contention in talks on peace and unification.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are generally respected in Cyprus. A 1991 law stipulates that property left by Turkish Cypriots after 1974, when a Turkish invasion divided the island, is administered by the state. Under the law in the north, Greek Cypriots can appeal to the Immovable Property Commission (IMP), which in 2010 was recognized by the European Court of Human Rights as a responsible authority for the resolution of property disputes. However, its work has been seriously impaired in recent years by a lack of funding from the TRNC and Ankara.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are largely unrestricted. Same-sex civil unions are allowed under a 2015 law, which did not include adoption rights for same-sex couples. Since 2017, the government has been considering legislation that would establish a procedure to correct one's legal gender. President Anastasiades announced in June 2021 that he would establish a committee to review the draft bill. Domestic violence remains a problem despite official

efforts to prevent and punish it. Government-funded shelters are open to survivors of domestic abuse.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The legal framework generally protects workers against exploitative conditions of employment, and the government has made genuine progress in combating human trafficking. However, persistent problems include insufficient resources for labor inspectors and illegally low pay for undocumented migrant workers. Migrant workers and asylum seekers remain vulnerable to sexual exploitation and forced labor.

Czech Republic

Population: 10,700,000

Capital: Prague

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Czech Republic is a parliamentary democracy in which political rights and civil liberties are generally respected. However, in recent years, the country has experienced several corruption scandals and political disputes that have hampered normal legislative activity. Illiberal rhetoric and the influence of powerful business entities in the political arena are increasingly visible.

KEY DEVELOPMENTS IN 2021

- Legislative elections held in October were generally deemed free and fair, and resulted in the formation of a coalition government comprising two electoral alliances—the Together coalition (SPOLU) and the Pirates-Mayors coalition. The new government is headed by SPOLU leader Petr Fiala, who was sworn in as prime minister in November.
- President Miloš Zeman was hospitalized with a serious illness the day after the October elections, preventing him from appointing the new government for over a month. The public was given little information about the president's condition, leading to speculation that Zeman had become unable to execute his duties; the president later recovered and denied the allegations.

POLITICAL RIGHTS: 36 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is the head of state but holds limited powers and is directly elected to up to two five-year terms. The January 2018 presidential election was considered credible. President Miloš Zeman of the Party of Civic Rights was reelected, defeating his opponent, Jiří Drahoš, in the second round of voting.

The prime minister is the head of government and holds most executive power. In November 2021, Petr Fiala of the Civic Democratic Party (ODS) was sworn in as prime minister following free and fair legislative elections the previous month. Fiala leads a

coalition government comprising two pro-European Union (EU) electoral alliances—SPOLU and the Pirates-Mayors coalition—that agreed to govern together in order to oust the former prime minister, controversial billionaire Andrej Babiš of the Action of Dissatisfied Citizens (ANO) party.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 200 members of the Chamber of Deputies, the lower house of Parliament, are elected to four-year terms by proportional representation. The Senate, the upper chamber, which holds limited legislative power, has 81 members elected for six-year terms, with one-third up for election every two years.

The October 2021 legislative elections were held in accordance with international standards and saw a voter turnout of 65.4 percent. The ANO won a plurality of 72 seats in the Chamber of Deputies, while SPOLU—comprising the ODS, the Christian Democratic Union-Czechoslovak People's Party (KDU-ČSL), and Tradition, Responsibility, Prosperity 09 (TOP 09)—came in second with 71 seats. A coalition of the liberal Czech Pirate Party and centrist Mayors and Independents (STAN) took 37 seats, and the populist, anti-immigration Freedom and Direct Democracy (SPD) party won 20 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral framework is robust and generally well implemented by the State Election Commission. However, the body does not always operate with transparency. In 2021, the Organization for Security and Co-operation in Europe (OSCE) expressed disappointment that most of its previous recommendations have gone unaddressed.

In February 2021, a Constitutional Court ruling amended the electoral law to remove provisions that unduly advantaged larger parties; changes included reducing the vote threshold for coalitions entering Parliament. Parliament passed the amendments in April, and President Zeman signed the changes into law in May. The reforms were broadly accepted by stakeholders, and the October elections, which were administered according to the reformed electoral law, were deemed well organized by international election observers.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are free to form and operate.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power rotates between parties regularly. The opposition holds a large majority in the Senate. Two new opposition alliances were formed in the runup to the October 2021 legislative elections: the liberal Pirates-Mayors coalition, comprising the Pirate Party and STAN; and the center-right SPOLU, composed of the ODS, the KDU-ČSL, and TOP-09. Together, the blocs won a majority of seats in the 2021 elections, moving the ANO to the opposition. Neither the Czech Social Democratic Party (ČSSD) nor the Communist Party of Bohemia and Moravia (KSČM) occupy any seats in the Chamber of Deputies following the 2021 elections, marking the first time either party has lost parliamentary representation since 1990.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The influence of politically connected media outlets has been a growing concern since a significant controversy arose in 2017 involving the daily newspaper *MF Dnes*, which is among the assets then prime minister Babiš placed in a trust to comply with 2016 conflict-of-interest legislation. Critics have accused him of using *MF Dnes* and another newspaper his trust owns, *Lidové noviny*, to advance his political and business interests. In 2019, Petr Kellner, then the country's wealthiest man, acquired the company that operates one of the most influential Czech television channels, TV Nova. Reports suggest Kellner helped mobilize a network of experts and journalists to improve China's image in the country, which he refuted.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

By law, all citizens have full political rights and electoral opportunities. However, Roma lack meaningful political representation. After the 2021 legislative elections, women hold 50 of the 200 seats in the Chamber of Deputies—the most in the Chamber's history—and 12 of the 81 seats in the Senate. However, women remain underrepresented in politics and public bodies generally.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials are duly installed and generally able to craft and implement policy. Political polarization and controversies surrounding former prime minister Babiš contributed to long-running disputes in the Parliament, and conflicts between Babiš and President Zeman also deepened the nation's political instability.

In 2020, president of the Senate Miloš Vystrčil visited Taiwan despite the disapproval of both the coalition government and the president. The visit was met with pressure and threats from the Chinese government. In response, President Zeman announced that he would not include Vystrčil in foreign policy briefings. In June 2021, the Senate Committee on Foreign Affairs, Defense and Security sought to impeach Zeman, declaring him "unfit for office," due in part to this incident; the impeachment bid was unsuccessful.

Concerns about Zeman's fitness for office escalated in October. The day after the legislative elections, the president—who is tasked with appointing the new government—became ill and was hospitalized, leaving him unable to participate in postelection negotiations for several weeks. The public was given little information about the president's condition, and officials issued misleading statements about his health, leading to concern that Zeman had become unable to execute his duties. Though the president later denied such allegations, the formation of a new government was delayed due to Zeman's illness, and observers continued to question whether the president had been unduly influenced by his inner circle during his hospitalization.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a problem in Czech politics, but institutions have generally been responsive to corruption allegations and scandals. In 2017, Czech police and the European Anti-Fraud Office began an investigation into then prime minister Babiš following allegations of improprieties, known as the Stork's Nest resort fraud scandal, regarding the disbursement of EU subsidy funds to one of his firms, Agrofert, over which Babiš still had

de facto ownership. Investigations into the Stork's Nest affair continued during 2021, and in August, the European Commission threatened to suspend payments of EU subsidies to the Czech Republic over suspected conflicts of interest in Babiš's business dealings.

Another scandal involving Babiš emerged a week before the October 2021 elections, when the Pandora Papers, an investigation by the International Consortium of Investigative Journalists (ICIJ) that exposed corruption in the international financial system, revealed that Babiš had used offshore companies to secretly purchase a \$22 million French chateau in 2009. Tax experts have speculated that the complicated financial arrangements underlying the transaction were designed to hide ownership of the property or the source of the funds used to make the purchase.

C3. Does the government operate with openness and transparency? 3 / 4

The government often fails to proactively publish information about procurement processes, public officials' salaries, and public spending. Members of the public must request a time-sensitive password to view asset declarations online. In 2018, new legislation came into force requiring that the "ultimate beneficial owners" of companies and trust funds be disclosed in a register. Although the register is not available to the public, law enforcement agencies, the courts, and several other entities can access it.

During 2020 and 2021, government officials repeatedly issued inaccurate or misleading information about the country's response to the coronavirus pandemic, including incorrectly announcing the number of COVID-19 testing sites opened by the government in March 2020. Government reports later issued corrections for such errors.

In October 2020, the Interior Ministry proposed a legislative amendment that would allow officials to withhold information pertaining to crisis situations that they believe, if made public, would endanger the management of that crisis. Critics argued that this restriction of oversight would give authorities an excuse to not share sensitive information with the public. The bill remained awaiting approval in the parliament at the end of 2021.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

The media operate relatively freely, and the government does not place undue restrictions on content. However, prominent politicians have contributed to a hostile environment for journalists in recent years, including both Zeman and Babiš, who have made inflammatory remarks about the press. Media outlets critical of the government are sometimes denied accreditation, and journalists from these outlets are frequently prevented from attending government press conferences. In September 2021, several journalists were excluded from a joint press conference held by Babiš and Hungarian prime minister Viktor Orbán, drawing criticism from a number of international and domestic media rights organizations.

The independence of the country's public broadcaster, Czech Television (ČT), came under threat in March 2021, when then prime minister Babiš attempted to appoint four ANO-affiliated members to the ČT's board; the opposition blocked the appointments in the parliament.

Legislation protects private ownership of media outlets, but concerns remain about the extent to which the media is controlled by wealthy business figures and its potential impact on journalists' ability to investigate commercial interests. Although former prime minister Babiš placed his significant media holdings in a trust while in office, the trust was controlled in part by his close associates. Critics have accused both of his newspapers of biased coverage, claiming that they are being used as tools to advance Babiš's political interests. In 2020,

another Czech billionaire, the late Petr Kellner, bought Central European Media Enterprises (CME), which owns more than 30 television channels broadcasting to five countries. Although Kellner denied any political motives, his acquisition of CME raised questions about his influence on public discourse. Kellner's family took over the management of CME after his sudden death in March 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The government generally upholds freedom of religion. Tax benefits and financial support are provided to registered religious groups. The state has initiated a process to return land confiscated from churches by the former communist regime, which will take place over the next 30 years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected. Ceremonial presidential approval is required for academic positions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally able to express controversial or political opinions without fear of surveillance or retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is upheld in practice, and demonstrations take place frequently and without incident. Protests took place peacefully and without undue interference from the authorities during 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Tens of thousands of registered nongovernmental organizations (NGOs) operate in the country, generally without interference from the government or security forces. However, the environment for civil society has grown increasingly antagonistic as the government and its allies have harshly criticized some outspoken NGOs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions and professional associations function freely, though they are weak in practice. Workers have the right to strike, though this right is limited for essential public employees, such as hospital workers and air traffic controllers.

F. RULE OF LAW: 14 / 16

F1. Is there an independent judiciary? 3 / 4

The judiciary is largely independent, though its complexity and multilayered composition have led to slow delivery of judgments. The 2019 appointment of Marie Benešová as Justice Minister has raised concerns over the independence of the judiciary. Benešová has openly supported Babiš since her appointment, publicly downplaying his involvement in the so-called Stork's Nest subsidy fraud scandal and, in October 2021, claiming that information about Babiš contained in the Pandora Papers investigation was part of a campaign against

both the then prime minister and the ANO. Additionally, after resigning in May 2021, former attorney general Pavel Zeman claimed that he had stepped down due to political pressure from Benešová; she denied the allegations.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The rule of law generally prevails in civil and criminal matters. Despite corruption and political pressure within law enforcement agencies, the office of the public prosecutor has become more independent in recent years. However, the recent investigation of former prime minister Babiš and his nomination for Justice Minister, Marie Benešová, showed that political interests may interfere with due process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The Czech Republic is free from war and insurgencies. However, prisons are overcrowded and at times unsanitary. In June 2021, police intervened in a fight involving Stanislav Tomáš, a Romany man, pinning him to the ground while kneeling on his back; Tomáš later died in an ambulance. A wave of protests followed Tomáš's death, prompting calls for an investigation into police brutality against Roma people. Police defended their actions and denied any responsibility for Tomáš's death, and a court-ordered autopsy found that Tomáš had died from a methamphetamine overdose. In December, the Deputy Public Defender of Rights announced that she had started an investigation into the incident.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The 2009 Antidiscrimination Act provides for equal treatment regardless of sex, race, age, disability, belief, or sexual orientation. However, high-level public officials have made insensitive comments that some critics have called discriminatory. Roma face discrimination in the job market and significantly poor housing conditions than non-Roma, as well as occasional threats and violence from right-wing groups. Many Roma children attend ethnically segregated schools. The COVID-19 pandemic deepened inequality particularly for low-income families with more than one child and Roma students, as classes were moved online and required stable internet connection and often multiple computers per household.

Women are underrepresented at the highest levels of business. According to data from the European Commission, the gender pay gap in the Czech Republic is one of the largest in the EU.

Anti-Muslim attitudes have increased in recent years amid the country's legal battle with the EU about accepting refugee quotas. The populist and anti-immigration SPD continued to spread Islamophobic rhetoric characterizing Islam as "incompatible with freedom and democracy." These positions are episodically approved by some of the highest representatives of state.

Asylum seekers are routinely detained, and conditions in detention centers are generally poor. Only about 11 percent of applicants were granted asylum in 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education. During 2020–21, the government periodically

imposed COVID-19-related movement restrictions, though the measures were in line with public health guidance.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and operate private businesses are established in the law and upheld in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Authorities generally do not restrict social freedoms, though same-sex marriages are not legally recognized. While gender discrimination is legally prohibited, sexual harassment in the workplace appears to be fairly common.

Parliament has yet to ratify the Council of Europe's Istanbul Convention on preventing and combating violence against women. Reports show that only a small number of perpetrators of gender-based violence face criminal charges.

At the beginning of the coronavirus pandemic in 2020, organizations supporting victims of gender-based violence reported an increase in calls received. Due to COVID-19-related movement restrictions, victims were often forced to stay in the same household as their abusers.

In September 2019, the government cut funding for NGOs providing support for survivors of gender-based and domestic violence by 70 percent. This has severely limited counseling services and legal support for those who have experienced gender-based violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Human trafficking remains a problem as organized criminal groups use the country as a source, transit, and destination point; women and children are particularly vulnerable to being trafficked for the purpose of sexual exploitation. The government has made serious efforts to fund protective services and other resources for survivors and to prosecute perpetrators.

Denmark

Population: 5,800,000

Capital: Copenhagen

Freedom Status: Free

Electoral Democracy: Yes

Overview: Denmark is a robust democracy with regular free and fair elections. Citizens enjoy full political rights, the government protects free expression and association, and the judiciary functions independently. However, Denmark has struggled to uphold fundamental freedoms for immigrants and other newcomers.

KEY DEVELOPMENTS IN 2021

- Parliament rejected a petition requesting amendments to Denmark's controversial "antighetto" initiatives in May. The initiatives, which seek to shift the demographics
-

of areas identified as having high unemployment and crime rates, have been criticized as discriminatory by numerous human rights bodies, including the Office of the UN High Commissioner for Human Rights (OHCHR).

- In September, former immigration minister Inger Støjberg was found guilty of violating the Ministerial Responsibility Act in 2016, when she illegally ordered the separation of several couples seeking asylum in Denmark, and sentenced to two months in prison. She was voted out of Parliament by a majority of legislators in December.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The constitution retains a monarch, currently Queen Margrethe II, with mostly ceremonial duties. The monarch chooses the prime minister, usually the leader of the largest party or government coalition. Mette Frederiksen of the Social Democratic Party (SDP) was appointed by Queen Margrethe in June 2019, after that party emerged as Parliament's largest in the election held that month.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 179 members of Denmark's unicameral Parliament (Folketinget) are elected to four-year terms through a system of modified proportional representation.

Since the June 2019 elections, Frederiksen has headed an SDP-led government with the support of the Red-Green Alliance, the Socialist People's Party (SF), and the Social Liberal Party (SLP). The election was considered free and fair, and the results were accepted by stakeholders and the public.

Local elections held in November 2021 were competitive and well-administered.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Robust electoral laws are upheld impartially by the various bodies tasked with implementation.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Numerous political parties compete freely.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The Danish political system is open to the rise of opposition parties through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and political figures are generally free from undue influences by actors who are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

The electoral laws guarantee universal suffrage for citizens, as well as representation in regional and municipal elections for permanent residents. Refugees and other immigrants may vote in municipal and regional but not general elections, after having obtained permanent residence at least three years before an election date. Women, LGBT+ people, persons living with disabilities, and members of ethnic and religious minority groups are represented in prominent positions.

The territories of Greenland and the Faroe Islands each have two representatives in Parliament. They also have their own elected institutions, which have power over almost all areas of governance, except foreign and financial policy.

C. FUNCTIONING OF GOVERNMENT: 12 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Denmark's freely elected government is able to craft and implement policy. Danish governments most often control a minority of seats in Parliament, ruling with the aid of one or more supporting parties. Since 1909, no single party has held a majority of seats, helping to create a tradition of compromise.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Anticorruption laws and bodies are generally effective, and corruption is not considered an urgent problem in Denmark. The government upholds a zero-tolerance policy for corruption and is subject to independent audits; those found in violation of anticorruption regulations face criminal prosecution.

C3. Does the government operate with openness and transparency? 4 / 4

Government operations are generally transparent. The Public Access to Information Act recognizes the right to request government information, though with some exceptions, such as information concerning national security and foreign policy.

CIVIL LIBERTIES: 57 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Domestic media reflect a wide variety of political opinions and are frequently critical of the government.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of worship is legally protected. However, the Evangelical Lutheran Church is subsidized by the government as the official state religion. The faith is taught in public schools, though students may withdraw from religious classes with parental consent.

In 2018, a general ban on the public wearing of face coverings, widely referred to as a "burqa ban" applicable to Muslim women, took effect. By July 2020, 60 people had been charged with violating the ban, out of which only some cases addressed specifically the wearing of burqas. Fines for defying the ban range from \$150 to \$300.

In 2018, Parliament adopted a law requiring mandatory participation in a ceremony for confirmation of newly granted Danish citizenship, with guidelines including a requirement for shaking hands. The provision was viewed as a means of requiring Muslims who refuse

to touch someone of a different gender on religious grounds to adopt practices seen as “Danish.” In February 2020, one man rejected the handshake—not for religious reasons, but out of principle—and as a consequence was not granted citizenship. When COVID-19 struck Denmark in March 2020, all citizenship ceremonies were put on hold, but they were later resumed; as a temporary measure, the mandatory handshake introduced in 2018 was suspended and replaced with the signing of a statement. The government plans to reinstate the policy when public health guidance permits.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is vibrant and unrestricted.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, which is upheld in practice. Restrictions were placed on assembly throughout 2020 and 2021 to limit the spread of COVID-19. Most restrictions were lifted in September 2021, but reintroduced in December in response to a spike in the number of coronavirus cases in Denmark.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely in Denmark, and frequently inform policy debates.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers are free to organize and bargain collectively.

F. RULE OF LAW: 14 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent. Judges are formally appointed by the monarch but are recommended by the Justice Minister in consultation with the independent Judicial Appointments Council.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Citizens enjoy full due-process rights. However, restrictions imposed especially on rejected asylum seekers remain in force. Individuals who were denied asylum in Denmark, but whom the government is for various reasons unable to deport, may be subject to administrative measures parallel to those imposed on people with criminal convictions. Many such individuals live in isolated centers with poor facilities where they are subject to travel restrictions and have no legal option to challenge their placement.

In 2019, the Youth Crime Board was established to deal with individuals between the ages of 10 and 17 who violate the law or are at risk of criminal behavior. Youths may be placed in secure institutions where conditions closely resemble those in the detention system. Professionals have criticized the mechanism for reinforcing criminal identity among youth, in addition to effectively lowering the age of criminal responsibility below the age of

15, as outlined by law. In a 2021 evaluation of the mechanism, the Justice Ministry assessed the program as generally effective, though recommended the Board work toward shortening case processing times.

In October 2019, Parliament adopted legislation that would allow the minister of immigration and integration to strip citizenship from individuals who fight abroad for extremist groups, namely the Islamic State (IS); the minister only has the power to do so for those holding dual citizenship. Further, children born to Danish parents in conflict zones are no longer granted Danish citizenship at birth, and the Danish foreign service may deny fighters in foreign conflicts consular assistance. As of the end of 2021, 11 individuals considered to be “foreign fighters” had been stripped of their Danish citizenship. Five of these “foreign fighters” have appealed the government’s decision; court proceedings in one such case began in November.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Denmark are generally free from violent crime and physical abuse by state authorities.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Discrimination, including based on gender identity or sexual orientation, is prohibited by law.

Danish immigration laws have long been some of the harshest in Europe, and immigration laws and asylum policies were tightened in response to large numbers of refugees and asylum seekers entering Europe beginning in 2015. While Denmark recorded 21,000 asylum applications that year, the figure stood at just 2,095 in 2021. Denmark loosened some restrictions for refugees and asylum seekers in 2019.

In recent years, controversy has arisen over the disproportionate number of people with non-Danish ethnic ancestry in the justice system: though members of ethnic minority groups comprise less than 10 percent of the population, the percentage of incarcerated young men from “non-Western” backgrounds is up to four times that of their ethnic Danish counterparts, according to government statistics. This disparity has been partly attributed to a higher rate of policing in areas with a significant “non-Western” population. However, others have used these figures to promote the government’s “antighetto” initiatives, which seek to shift the demographics of areas identified as having high unemployment and crime rates, and a high percentage of foreign-born residents.

In 2018, the High Court convicted Mohamed Abdi—who had lived in Denmark for over 20 years after being brought there as a child—of illegally possessing a firearm, and ordered that he be permanently expelled from the country. In September 2021, the European Court of Human Rights (ECtHR) found that the ruling ordering Abdi’s expulsion had violated the European Convention on Human Rights (ECHR).

The Greenlandic Inuit community faces social marginalization in Denmark, though the government has implemented programs to address this issue.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is protected by law and generally respected by the government. However, in 2018, the previous government of Lars Løkke Rasmussen proposed an

“antighetto” initiative, applicable to neighborhoods identified as having high unemployment and crime rates, and a high percentage of foreign-born residents. It aims to shift the areas’ demographics, institute day care requirements for foreign children that would integrate them into Danish society through language and culture lessons, and enact stricter punishments for crimes committed there. Legislation to demolish certain housing structures to meet demographic quotas passed that November, and the daycare provision was approved that December. Since the introduction of these initiatives, several public housing areas have found themselves on the “hard ghetto” list, a consequence of which will be that public housing in the area will have to be demolished or transformed into cooperative or privately owned housing. This would have a strongly detrimental effect on the freedom of residence of affected individuals, with a further discriminatory effect. By December 2020, more than 52,000 citizens had signed a motion to bring the “ghetto law” before Parliament, with a view to halting further implementation including demolitions and other significant measures; Parliament rejected the petition in May 2021. The government has also rejected calls from the OHCHR to eliminate or amend parts of the “antighetto” initiative, which the OHCHR has called discriminatory. As of the end of 2021, no actual demolitions have taken place.

Since 2015, Denmark has enacted measures that restrict the movement of people who seek to join, or have joined, extremist groups abroad—notably the IS. Some of the measures have been criticized for having a low evidentiary threshold or for lacking appropriate oversight mechanisms.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Private business activity is free from undue influence by government officials or non-state actors.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Refugees and other newcomers face lengthy waiting times for family reunification, including in cases involving small children, and restrictions on family reunification were tightened in the wake of the 2015 refugee crisis. The SDP, under pressure from partners in the Red Bloc, committed to loosening some restrictions in return for their support in forming the government in June 2019, and specifically committed to reviewing strict requirements for children seeking permanent residence in Denmark.

Restrictive amendments to the Epidemic Act were passed by Parliament in March 2020, during the early months of the COVID-19 pandemic. A measure authorizing forced vaccinations and other limitations of individual freedoms was reversed by the government later in the year, and in December 2020, a much-revised form of the bill ensuring transparency and democratic control was presented, with the support of most lawmakers and the health-care sector. The revised Epidemic Act came into force in March 2021, creating legal procedures for combatting “socially critical diseases.” The legislation is intended to ensure a transparent government response for future public health crises. All COVID-19-related restrictions were lifted in September after the government announced that the virus no longer posed a major health threat; however, some restrictions were reintroduced in December following a spike in case numbers.

In 1989, Denmark became the first country in the world to adopt same-sex civil unions, and in 2012, Parliament overwhelmingly passed same-sex marriage legislation enabling couples to wed in the Lutheran state church of their choosing. Priests are not obligated to officiate but, when requested to do so, must find a colleague who will.

In December 2020, lawmakers passed a measure that criminalized sex without explicit consent. Previously, proof of violence or serious threat had been required to bring rape charges.

In September 2021, former immigration minister Inger Støjberg was convicted of unlawfully separating several couples seeking asylum in Denmark in 2016—including couples with children and those with one partner below the age of 18—and was sentenced to two months in prison. A majority of legislators voted to remove Støjberg from Parliament in December.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Public- and private-sector workers are generally free from exploitation by employers. However, migrants engaged in forced labor can be found in some sectors, including the agricultural and service industries. Women and children, also primarily migrants, can be found engaged in forced sex work. The government and NGOs work, frequently in conjunction, to identify and prevent human trafficking and to provide aid to survivors.

Djibouti

Population: 1,000,000

Capital: Djibouti

Freedom Status: Not Free

Electoral Democracy: No

Overview: Djibouti is a republic ruled by a powerful president, Ismail Omar Guelleh, who has been in office since 1999 and is not subject to term limits. While Djibouti technically has a multiparty political system, the ruling Union for a Presidential Majority (UMP) uses authoritarian means to maintain its dominant position. The opposition's ability to operate is severely constrained, and journalists and activists who air criticism of Guelleh or the UMP are regularly harassed or arrested.

KEY DEVELOPMENTS IN 2021

- President Guelleh was elected to a fifth term in April with over 97 percent of the vote, according to the Interior Ministry. The main opposition parties boycotted the poll, claiming that the election administration would be neither free nor fair. The African Union (AU) observation mission reported the poll was run competently with no noted misconduct.
 - In August, intercommunal fighting broke out between people from the ethnic Afar minority group and people from the majority Issa group in Djibouti City. At least a dozen people were killed—mainly Afar individuals—several others were injured, and houses were set on fire. The Djiboutian Human Rights League (LDDH) alleged that security forces waged a “coordinated attack” against Afar civilians, claiming both plainclothes police and uniformed officers took part in the violence.
 - In November, Fouad Youssouf Ali, a former air force pilot who was arrested in 2020, was referred to a criminal court and convicted of attempting to incite a coup and of attempted theft of military property. The court sentenced him to 10 years' imprisonment with an additional fine of 300,000 Djiboutian francs (\$1,700). Ali's 2020 arrest and alleged torture had sparked nationwide protests.
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POLITICAL RIGHTS: 5 / 40**A. ELECTORAL PROCESS: 2 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president, who holds most executive power, serves five-year terms without term limits. President Guelleh was elected to a fifth term in April 2021, with 97 percent of the vote, according to the Interior Ministry. Of the nearly 215,000 citizens registered to vote, more than 80 percent cast ballots, according to the African Union (AU) observation mission. The AU monitors also reported that the polls were conducted competently, though the main opposition parties boycotted the contest, alleging that, should they participate, the election administration would be neither free nor fair. Guelleh faced only one challenger, political newcomer Zakaria Ismail Farah, who claimed that his party was barred from vote monitoring.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 65 members of the unicameral National Assembly are directly elected for five-year terms. Constitutional changes in 2010 called for the creation of an upper house, which had yet to be established as of 2021.

Most of the opposition boycotted legislative elections held in 2018, citing the government's failure to honor a 2014 political agreement that provided for electoral reform. The 2018 polls were marked by irregularities, and the ruling UMP increased its majority to 57 of 65 seats. The opposition Union for Democracy and Justice–Djiboutian Democratic Party (UDJ-PDD) won seven seats, and the Center of Unified Democrats (CDU) took one.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

A core element of the 2014 political agreement—meant to end the opposition's boycott of the legislature following deeply flawed elections in 2013—was a pledge to reform the Independent National Electoral Commission (CENI), which the opposition has accused of bias. These reforms had not been carried out as of 2021. Other electoral provisions favor the dominant party, for example by awarding at least 80 percent of the seats in each multimember parliamentary district to the party that wins a majority in that district.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

While Djibouti technically has a multiparty political system, parties must register with the government to operate legally. The authorities have denied recognition to a number of opposition parties; members of such parties have been periodically harassed, arrested, and prosecuted, and their offices have been raided by police. The law requires the leaders of political parties to have clean criminal records, and the government has pursued spurious charges against opposition figures to disqualify them or their parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

President Guelleh has been in power since 1999, when he succeeded his uncle, the only other president since independence in 1977. The 2013 elections marked the first time that the

opposition had won any seats in the National Assembly. Opposition parties have traditionally been disadvantaged by Djibouti's electoral system, media controls, abuse of state resources to favor incumbents, and arrests and harassment of opposition leaders and supporters.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The ruling party dominates the state apparatus and uses security forces and other administrative resources to marginalize, disrupt, and suppress independent political activity.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The constitution prohibits political parties based on gender or on ethnic, religious, or regional identity. Minority groups, including the Afar, Yemeni Arabs, and non-Issa Somalis, are represented at all levels of the government, but the president's majority Issa group holds paramount positions in the ruling party, the civil service, and the security forces.

Women are underrepresented in leadership positions. A legal quota ensures that women hold at least 25 percent of the seats in the National Assembly, and the actual number is only slightly above that level. In practice, the authoritarian political system restricts the ability of women and members of ethnic and religious minorities to organize independently and advance their respective interests.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The president, who is not freely elected, effectively controls policymaking and governance, and the UMP-dominated parliament does not serve as a meaningful check on executive power.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is a serious problem that is enabled and sustained by the dominant position of President Guelleh and his ruling party in every aspect of public administration. All significant business deals reportedly go through the president himself.

State bodies tasked with combating corruption lack the resources and independence to function effectively. Prosecutions of senior officials are rare.

C3. Does the government operate with openness and transparency? 0 / 4

The government operates in an opaque manner and resists attempts to shed light on its policymaking, budgetary, and procurement decisions. There is no law establishing the right to access public information. The government has made no effort to explain to citizens how it spends revenue collected from foreign powers that lease land for military bases in Djibouti.

There is also little transparency on President Guelleh's investment deals with the Chinese government and other foreign entities, which have provided Djibouti with loans, built critical infrastructure, and operated special economic zones. The agreements have resulted in a massive amount of public debt and spread discontent among local communities that were not consulted on the location or terms of foreign development projects.

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16**D1. Are there free and independent media? 0 / 4**

Despite constitutional protections, freedom of expression is not upheld in practice, and journalists engage in self-censorship. Defamation and distribution of false information are criminal offenses. The National Communication Commission distributes licenses to media outlets; the National Security Service reportedly has a role in approving such licenses. The government owns the dominant newspaper, television station, and radio broadcaster, as well as printing presses.

According to Reporters Without Borders, domestic media content generally reflects government views. Journalists affiliated with outlets based abroad or small opposition publications are subject to harassment and arbitrary arrest. The websites of the overseas opposition radio station *La Voix de Djibouti*, run by exiles in Europe, and the Association for Respect for Human Rights in Djibouti (ARDHD) are sometimes blocked by the state-owned internet service provider.

In July 2020, police arrested journalist Charmarke Saïd Darar, a reporter working for *La Voix de Djibouti*, while covering protests over the detention and alleged torture of an air force pilot. Darar was held without access to a lawyer until his release nearly a month later, during which time police interrogated him, physically assaulted him, and deprived him of food and water.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the state religion, and 94 percent of the population is Sunni Muslim. The Islamic Affairs Ministry oversees religious matters; under a 2013 law and 2014 decree, the ministry has direct authority over mosques and imams, who are civil service employees, and vets their Friday sermons. Registered non-Muslim religious groups operate freely, and unregistered groups are able to worship in private, though public proselytizing is illegal.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is not always respected. Teachers have at times been detained for alleged affiliation with opposition groups. The state oversees the curriculums of the secular public school system and private Islamic schools.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Open discussion of sensitive political issues is impeded by restrictive laws on defamation and other such offenses. The government reportedly monitors social media and conducts surveillance on perceived opponents. Individuals are subject to arrest for posting critical content about the government online.

In March 2020, air force lieutenant Fouad Youssouf Ali fled to Ethiopia and called for an armed uprising in a video on social media in which he accused a military official of corruption and clan-based discrimination. After Ethiopian authorities deported him back to Djibouti in April, the government arrested him on charges of treason, defamation of the armed forces, and incitement to hatred and rebellion. In June, he released a video from prison, alleging he had been tortured while detained. In November 2021, Ali was referred to a criminal court, where he was convicted of attempting to incite a coup and attempted theft of military property. The court sentenced him to 10 years' imprisonment with an additional

fine of 300,000 Djiboutian francs (\$1,700)—he had already been fined 2 million francs (\$11,254), payable to the state.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is protected under the constitution but not respected in practice. Permits are required for public gatherings. Police regularly use violence to disperse unauthorized protests and arrest participants. In June 2020, antigovernment protests were held for several days after the arrest and alleged torture of air force lieutenant Ali. Over 200 people were allegedly arrested.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Local human rights groups that work on politically sensitive matters cannot operate freely, face difficulties in registering with the authorities, and are subject to government harassment. Organizations that focus on social and economic development, including women's rights groups, are generally tolerated by the government. Individual activists are regularly arrested for their work.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While workers may legally join unions and strike, the union registration process is onerous and subject to government discretion, which the Labor Ministry has used to favor progovernment unions and deny registration to independent labor groups. The government has been known to intimidate labor leaders and obstruct union activities. Teachers' union activists have reported being dismissed, transferred, demoted, or denied access to wages.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 0 / 4

The courts are not independent of the government and suffer from corruption. Supreme Court judges are appointed by the president, with the advice of a judicial council dominated by presidential and UMP nominees. The president and parliamentary majority also control appointments to the Constitutional Council.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Security forces frequently make arrests without the required court approval, and lengthy pretrial detention is a problem, with detainees often waiting years to go to trial. Allegations of politically motivated prosecutions are common, and opposition groups consistently accuse the government of sanctioning arbitrary arrests and detentions. The government has used counterterrorism laws to target political opponents.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Security forces regularly engage in physical abuse and torture during arrest and detention. Prison conditions are reportedly poor, with pretrial and convicted prisoners often held together due to overcrowding.

In August 2021, intercommunal fighting broke out between people from the ethnic Afar minority group and people from the majority Issa group in Djibouti City. At least a dozen people were killed—mainly Afar individuals—several others were injured, and houses were set on fire. The Djiboutian Human Rights League (LDDH) alleged that security forces

waged a “coordinated attack” against Afar civilians, claiming both plainclothes police and uniformed officers took part in the violence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Though the law provides for equal treatment of all Djiboutian citizens, Somali Issas control the ruling party and dominate government positions, while members of minority ethnic groups and clans suffer from discrimination that contributes to their social and economic marginalization.

Women have fewer employment opportunities and are paid less than men for the same work. While the law requires at least 20 percent of upper-level public service positions be held by women, this rule has not been enforced.

Same-sex sexual activity is not specifically banned, but such conduct has been penalized under broader morality laws, and there are no laws in place to prevent discrimination against LGBT+ people. Matters of sexual orientation and gender identity are generally not discussed publicly.

As of the end of 2021, Djibouti hosted roughly 34,700 refugees and asylum seekers. Slow processing of asylum claims leaves many asylum seekers at risk of deportation. A 2017 law allows registered refugees to work without a permit and provides access to health care and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The government has been accused of suspending the travel privileges of political opponents. Civilian movement is restricted in militarized border areas due to past activity by the Front for the Restoration of Unity and Democracy (FRUD-Armé), a rebel group, and tensions with Eritrea.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Private property protections are weak, and court proceedings on business and property matters are affected by corruption and political influence.

Customary practices and personal status rules based on Sharia (Islamic law) place women at a disadvantage regarding inheritance and property ownership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Female genital mutilation (FGM) is illegal, but most women and girls have undergone the procedure. Domestic violence is rarely reported and prosecuted, and spousal rape is not specifically criminalized. The Sharia-based family code requires women to obtain a guardian’s consent to marry, among other discriminatory provisions surrounding marriage and divorce.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Many residents have difficulty finding employment in the formal sector, as the president and his allies tightly control all large-scale economic activity, especially around the military bases leased by foreign powers. Legal safeguards against exploitative working conditions are poorly enforced; migrant workers and refugees are especially vulnerable to abuse.

A 2016 law on human trafficking includes strong penalties for perpetrators, but authorities have struggled to secure convictions and to effectively identify and assist victims.

Dominica

Population: 70,000

Capital: Roseau

Freedom Status: Free

Electoral Democracy: Yes

Overview: Dominica is a parliamentary democracy and has been governed by the Dominica Labor Party (DLP) since 2000. While the country is committed to democratic governance and civil liberties are generally upheld, several concerns persist; these include effective management of elections, judicial efficiency, and government corruption—notably relating to the country’s Citizenship by Investment (CBI) program.

KEY DEVELOPMENTS IN 2021

- In March, the Caribbean Court of Justice (CCJ) ruled that respondents from the ruling DLP must respond to a summons over allegations that they improperly worked to influence voters during the 2014 electoral period. In May, 12 party members pleaded not guilty to the charges.
- In May, an appeals court dismissed a case brought by the opposition United Workers Party (UWP), which argued that the 2019 electoral results in 10 constituencies should be overturned due to fraud and bribery. In December, the CCJ agreed to consider the case and is expected to hear the UWP’s petition in 2022.
- The country’s first COVID-19 death was recorded in August. Some 6,718 cases and 47 deaths were reported to the World Health Organization (WHO) during the year.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who is the ceremonial head of state, is nominated by the prime minister and opposition leader and elected by the House of Assembly for a five-year term. The prime minister is head of government and is appointed by the president.

The leader of the ruling DLP, Roosevelt Skerrit, retained his position as prime minister after his party won most of the parliamentary seats in the 2019 general elections. Despite the poll’s overall credibility, the campaign was marred by unrest linked to opposition concerns over the lack of electoral reform and a corruption scandal involving Skerrit. To ensure the elections passed without incident, the government requested that personnel from the Regional Security System of the Caribbean (RSSC)—an organization composed of several Eastern Caribbean states—be deployed to Dominica four days before the election.

In October 2018, the government reelected former security minister Charles Savarin as president. The UWP walked out of the confirmation session in protest of what they considered an irregular nominating process.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Dominica's unicameral House of Assembly consists of 30 members who serve five-year terms; 21 members are directly elected, 5 senators are appointed by the prime minister, and 4 are appointed by the opposition leader. There are two ex officio members: the House speaker and the clerk of the House.

The DLP won 18 seats in the 2019 general elections, while the UWP captured 3. Turnout was historically low, with only 54 percent of eligible voters participating. The polls were monitored by the Caribbean Community (CARICOM), the Organization of American States (OAS), and the Commonwealth. They generally concluded that voters were able to cast their ballots without intimidation or fear and that the results reflected the popular will. However, the poll was marked by unrest and the deployment of RSSC personnel.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Electoral Commission manages and organizes the election process, and the electoral laws are generally fair. However, concerns persist. In the aftermath of the 2014 elections, the results of which were challenged by the UWP, the government was expected to support some reforms. These included updating voter rolls and issuing voter identification cards—which among other things would address concerns about voting by members of the Dominican diaspora. However, the government did not adopt any new measures.

After the 2019 polls, the OAS recommended a series of changes, such as issuing photo identification cards to voters, introducing an electronic voting system, undertaking a voter-list review, and introducing party and campaign-finance legislation. The Skeritt government later appointed jurist Dennis Byron to serve as a sole commissioner to produce electoral-reform recommendations; his report was incomplete as of the end of 2021.

In late December 2019, the opposition challenged the results in 10 constituencies, alleging they were affected by fraud and bribery. In May 2021, an appeals court dismissed the case, though the CCJ agreed to consider the case in December; the CCJ expects to hear their petition in February 2022.

A separate case relating to the 2014 election remains open. In March 2021, the CCJ ruled that respondents from the DLP must respond to a summons over allegations that they improperly “treated” voters. In May, 12 respondents pleaded not guilty. The allegations focus on two DLP-organized concerts held during the 2014 electoral period, which the complainants say were meant to improperly influence the polls’ outcome.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties are free to organize and operate. The effects of the country's first-past-the-post electoral system has entrenched two-party politics, and while there are several small political parties in Dominica, since 2005 only the DLP and UWP have won parliamentary seats.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are unencumbered by formal restrictions and are generally free to operate. There has not been a change of party in government since 2000, but this has more to do with the weakness of the opposition than any unfairness in the electoral system.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally able to express their political choices without undue influence from actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

All adult citizens may vote. Women are underrepresented in politics generally. Out of 42 candidates in the 2019 elections, only 13 were women, and 8 won seats—although this was an improvement from the 2014 elections.

The Indigenous Carib-Kalinago population participates in the political process, with members generally supporting one of the two major political parties. LGBT+ people face discrimination and are marginalized, impacting their ability to engage fully in political processes.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected prime minister, cabinet, and national legislative representatives determine the policies of the government.

In July 2021, government legislators limited the opposition's response to the budget to 30 minutes, prompting opposition legislators to leave the chamber. One opposition member was physically removed and saw his salary suspended until November.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While the government generally implements anticorruption laws effectively, domestic and international observers have raised concerns over corruption within Dominica's Citizenship by Investment (CBI) program, which allows foreigners to gain citizenship through an economic investment in the country. In March 2021, the US State Department said in its *International Narcotics Control Strategy Report* that "Dominica accepts a large number of applicants and sometimes issues passports despite adverse information on applicants uncovered during the vetting process."

In 2017, Prime Minister Skerit announced an interim policy to tighten the issuance of diplomatic passports, following a controversy in which an Iranian businessman ensnared in a corruption scandal in Iran was found to be holding a Dominican diplomatic passport. In 2019, Al Jazeera published a story claiming that Dominican officials from both major parties, including Skerit, were willing to receive money in return for political appointments.

C3. Does the government operate with openness and transparency? 3 / 4

The government of Dominica generally operates with openness and transparency, though there are concerns that the long-incumbent DLP has been less forthcoming in recent years with information on some programs, including CBI. Government officials are required to submit financial accounts, but these accounts are frequently incomplete. Access to information is not protected by law, but the government makes efforts to provide information on many topics, and posts information related to the budget online.

CIVIL LIBERTIES: 56 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Freedom of expression is constitutionally guaranteed, and the press is generally free in practice. However, defamation remains a criminal offense punishable by imprisonment or fines. Defamation lawsuits and threats of lawsuits are commonly used by the Skerit government against members of the media, resulting in some self-censorship.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected under the constitution and other laws and is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is guaranteed under the constitution, and the government has generally respected these rights. However, protests sometimes become violent, or give way to looting or acts of vandalism.

Some unrest took place at opposition protests in 2017, and Prime Minister Skerit characterized them as threats to state security. Later, several UWP members, including leader Lennox Linton, were charged with incitement and obstruction. The trials were still ongoing as of July 2021. Some UWP protests during the lead-up to the 2019 elections featured burning debris and confrontations between protesters and riot police, though there were no major injuries.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) and advocacy groups generally operate without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to organize, strike, and bargain collectively, and laws prohibit antiunion discrimination by employers. However, the country's definition of "essential" workers is broad, extending to those in the agricultural sector, and there are burdensome restrictions on the ability of these workers to strike.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

An independent judiciary is provided for in the constitution, and judicial independence is generally respected. Courts are subordinate to the interisland Eastern Caribbean Supreme Court and the CCJ.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The constitution provides for due process rights, and these are generally observed in practice. While the judicial system generally operates efficiently, staffing shortages remain a problem and can result in prolonged pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Dominica generally enjoy freedom from illegitimate force.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women's rights are not fully protected. Laws on sexual harassment are weak. Cases of rape are underreported, with significant stigma attached to the crime and little support available for victims.

Same-sex sexual relations are illegal, though the relevant provisions of the Sexual Offences Act are not enforced, a position that has been made clear by Prime Minister Skerrett. In 2019, a gay man filed a claim against the colonial-era law.

Members of the small Indigenous population, the Carib-Kalinago, face discrimination and a variety of accompanying challenges, including high poverty levels and difficulties in obtaining loans from banks. Rastafarians have reported discrimination and profiling by police.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Individuals in Dominica generally enjoy freedom of movement, though those outside the established Carib-Kalinago community must apply for special access to the Carib Reserve area, which is granted by the Carib Council. There are no restrictions on people's ability to change their place of employment or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The government of Dominica supports both domestic and foreign investment. Property rights are generally safeguarded. However, women have more limited rights because traditionally property is deeded to the head of household, who is usually a man.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Women and children have some limitations on their personal freedoms, including freedom from violence. There is little protection against domestic abuse, and both violence against women and child abuse remain widespread problems.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Revisions to labor laws have strengthened worker protections in recent years, though violations of overtime laws in the tourism sector have occurred. The labor commissioner operates within the Justice Department and is underresourced. The government has made efforts to address poverty and unemployment, including in the wake of Hurricane Maria, which devastated the island in 2017. In September 2021, the government implemented minimum-wage increases.

In its 2020 *Findings on the Worst Forms of Child Labor* report, the most recent available, the US Labor Department found no evidence of child labor in Dominica but warned that the government made “no advancement” in preventing it. Carib-Kalinago children face barriers to education, which make them more vulnerable.

Dominican Republic

Population: 10,600,000

Capital: Santo Domingo

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: The Dominican Republic holds regular elections that are relatively free, though recent years have been characterized by controversies around implementing a new electoral framework. Pervasive corruption undermines state institutions. Discrimination against Dominicans of Haitian descent and Haitian migrants, as well as against LGBT+ people, remain serious problems.

KEY DEVELOPMENTS IN 2021

- The National Human Rights Commission and nongovernmental organizations (NGOs) reported that, as of October, police and security forces had committed at least 41 extrajudicial killings during the year. After police shot and killed a young couple in their car in April, President Abinader announced the creation of a special commission for police reform.
- Throughout the year, the Anti-Corruption Office (PEPCA) continued to investigate administrative corruption in former president Danilo Medina’s administration, opening several new investigations into the prior administration’s operations. By September, PEPCA had linked at least four current legislators to drug trafficking and money laundering networks and had suspended or removed nine officials from office.

POLITICAL RIGHTS: 27 / 40 (+1)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is both head of state and chief of government and is elected to a four-year term. A 2015 constitutional amendment allowed presidents to run for a second term. In 2020, Luis Abinader of the Modern Revolutionary Party (PRM) was elected president over the Dominican Liberation Party (PLD) candidate Gonzalo Castillo, ending the PLD’s 16-year tenure. Voter turnout was low at 49.6 percent, compared to 68 percent in 2016.

Observers from the Organization of American States (OAS) monitored the elections and deemed the polls credible, lauding the Central Electoral Board’s (JCE’s) measures to curb the spread of the coronavirus at polling stations and the consensus among political forces in postponing the election. However, inconsistent enforcement of social distancing and curfew measures benefited the PLD, and both parties used pandemic-related food, services, and medical supplies to incentivize voters. OAS observers reiterated issues with electronic

voting and repeated calls for compliance with parity requirements for women candidates and better supervision of parties' and candidates' finances under existing regulations.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The Dominican Republic's bicameral National Congress consists of the 32-member Senate and the 190-member Chamber of Deputies, with members of both chambers directly elected to four-year terms. The PRM gained majorities in both chambers in the 2020 legislative elections, which were held alongside the presidential election.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Despite its shortcomings, the JCE operates with some transparency and cooperates with election monitors, opposition parties, and other relevant groups. The 2019 Electoral Regime Law and the 2018 Law of Political Parties, Groups, and Movements established the country's new electoral framework. A Special Prosecutor for Investigation and Persecution of Electoral Crimes and Offences was instituted by the Electoral Regime Law, but election observers expressed concerns about its political independence. The 2020 elections exposed gaps in the implementation of campaign finance laws—demonstrated by unregulated distribution of gifts and humanitarian aid, candidates' failure to submit required budgets and expenditure reports, and a lack of transparency in public fund allocations to candidates.

New members of the Superior Electoral Court (TSE) were appointed in July 2021; so far, only four cases from the 2020 election cycle have come before it. However, a December 2021 Constitutional Court decision invalidated the law that assign the TSE's jurisdiction to hear electoral crimes trials, recognizing instead ordinary criminal courts. Separately, the Superior Administrative Court invalidated a JCE resolution on party financing in June.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4 (+1)

Political parties are generally free to form and operate. However, newer and smaller parties struggle to access public financing and secure equal media coverage. In April 2021, the Constitutional Court allowed parties to maintain legal status if they achieve congressional or municipal representation, expanding the rule that previously required dissolution if they failed to gain at least 1 percent of the vote. A minimum amount of time that competing candidates must be associated with their party was declared unconstitutional in 2019.

Score Change: The score improved from 3 to 4 because the Constitutional Court eased legal restrictions that posed significant obstacles to smaller parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties and candidates generally do not face selective restrictions during election periods but are disadvantaged by elements of the electoral framework. In July 2020, the main opposition party, the PRM, ended the PLD's 16-year tenure and won a majority in the National Congress.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People are generally free to exercise their political choices. A history of violent police responses to social and political demonstrations may deter political participation by some, and economic oligarchies and organized crime groups have some influence over the political sphere. Electoral laws require some accountability for campaign finances, but political parties and presidential candidates do not always comply. The Specialized Directorate for Financial Control was established in December 2020 to monitor public and private financing for political parties and electoral candidates.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Gender parity laws requiring between 40 and 60 percent of candidates for the National Congress be women were not respected during the 2020 elections. The percentage of women in Congress decreased; women hold 48 seats in the Chamber of Deputies and 4 in the Senate.

A 2013 Constitutional Tribunal decision stripped hundreds of thousands of Dominican-born descendants of Haitian migrants of their citizenship, and thus their right to vote. Discriminatory attitudes and occasional acts of targeted violence against Black Dominicans (perceived to be Haitians) and LGBT+ people discourage their political participation, though more than 64 percent of LGBT+ people voted in the 2020 elections.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Government and legislative representatives are generally able to determine national policies in a free and unhindered manner. Despite a one-week shutdown of the Chamber of Deputies in June 2021, due to the COVID-19 pandemic, both legislatures operated freely during the year.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious, systemic problem at all levels of the government, judiciary, and security forces, as well as in the private sector. Reports indicate that politicians routinely accept bribes. A 2016 US Justice Department report on the Brazilian construction company Odebrecht revealed that \$92 million had been paid to public officials in the Dominican Republic to obtain contracts for major infrastructure projects in the country during three consecutive governments. Numerous officials from prior administrations were linked to the scandal, but only seven were formally charged. In October 2021, a Dominican court convicted a former Odebrecht representative and the former minister of public works for bribery and money laundering; four others who were on trial for similar offences were acquitted.

In 2021, PEPCA continued to investigate administrative corruption in former president Danilo Medina's administration, which had resulted in the 2020 arrest of Medina's brother, and opened several new investigations into the prior administration's operations. By September 2021, PEPCA had linked at least four current legislators to drug trafficking and money laundering networks and had suspended or removed nine officials from office.

C3. Does the government operate with openness and transparency? 2 / 4

The government does not always operate with transparency. Although state agencies generally respond to information requests, they often provide inaccurate or incomplete responses. Public officials are required to publicly disclose assets, but NGOs have cast doubt upon the accuracy of these disclosures. Public contracting and purchasing processes

are opaque; a September 2021 report exposed millions of dollars in missing taxes from purchases of luxury and other vehicles imported under the names of Dominican legislators, who have exemptions.

CIVIL LIBERTIES: 41 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 2 / 4**

The law guarantees freedom of speech and of the press. Several national daily newspapers, many local publications, more than 300 privately owned radio stations, and several private television networks operate in the country alongside the state-owned Radio Televisión Dominicana (RTVD). However, ownership of private outlets is highly concentrated and public funding of media lacks transparency.

Journalists risk intimidation and violence when investigating drug trafficking and corruption and may also face legal or regulatory pressure as a result of their investigations. During the pandemic, state authorities threatened, attacked, arrested, and detained journalists, although the press members were exempt from curfew restrictions. Charges for defamation and insult brought against journalist Marino Zapete for corruption allegations in 2019 were dropped in 2020, and his accuser was fined. Zapete and other journalists increasingly turned to YouTube in 2021 to escape the limitations of the traditional media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally upheld. However, the Catholic Church receives special privileges from the state, including funding for construction, and exemptions from customs duties. In September 2021, the education minister announced that bibles would be given to public school students.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Constitutional guarantees regarding academic freedom are generally observed.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express personal views in public and private without fear of retribution or surveillance. In January 2021, the director of police threatened legal consequences for individuals who post content online, including through videos that he called “smear campaigns,” portraying or alleging police abuse.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is guaranteed by the constitution, and demonstrations are common, but sometimes subject to violent dispersal by police. In March 2021, activists began camping outside the National Palace to support expanded abortion legislation, while religious groups mobilized against it. Police dispersed the camp in April while enforcing COVID-19 protocols.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Freedom of association is constitutionally guaranteed, and the government respects the right to form civic groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers other than military and police personnel may form and join unions, though over 50 percent of workers at a workplace must be union members to engage in collective bargaining. Workers must exhaust mediation measures and meet other criteria for a strike to be considered legal. In practice, union membership is discouraged, and workers risk dismissal for joining.

F. RULE OF LAW: 8 / 16**F1. Is there an independent judiciary? 3 / 4**

Judicial independence is hampered by corruption and the judiciary is susceptible to political pressure. Reports of selective prosecution and the improper dismissal of cases continue.

Justices of the Supreme Court and Constitutional Court are appointed to seven- and nine-year terms, respectively, by the National Council of the Judiciary, comprised of the president, the leaders of both chambers of Congress, the Supreme Court president, and a congressional representative from an opposition party. President Abinader in September 2021 proposed constitutional reforms to improve the council's political independence.

In August 2021, the Constitutional Court declared virtual hearings—started during the pandemic—unconstitutional, a ruling praised as reinforcing the rule of law.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Corruption and politicization of the justice system have significant impact on due process, and strongly limit access to justice for people without resources or political connections. Corruption within law enforcement agencies remains a serious challenge.

Data from September 2020, the most recent statistic available, show that 58 percent of people being held in prisons were in pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisons are severely overcrowded, and rates of murder and other violent crime are high. Initial reports from Citizen Security Observatory indicated a 22 percent increase in homicides in 2021 compared to 2020. The National Human Rights Commission and NGOs reported that, as of October 2021, police and security forces had committed at least 41 extrajudicial killings during the year. President Abinader announced in April the creation of a special commission for police reform after police killed a young couple in their car that month.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Dominicans with European features or lighter skin color enjoy systemic advantages. Dominican-Haitians and Haitian migrants face persistent discrimination, which was exacerbated by growing unrest in Haiti in 2021. They faced obstacles in securing legal documents such as identification cards, birth certificates, and marriage licenses, and have difficulty registering their children as Dominican citizens. Without identification, they are ineligible for any social assistance, including COVID-19 vaccines; the government has implemented vaccination requirements for public spaces and businesses, effectively excluding many Dominican-Haitians from accessing public services. Women experience a significant amount of workplace discrimination, and the gender pay gap was 20 percent, as of 2020.

Before he left office in 2020, former president Medina granted citizenship to 750 individuals who had their citizenship stripped by a 2013 court ruling that denationalized individuals whose parents were undocumented foreigners; this particularly affected those of Haitian descent. President Abinader granted nationality to another 50 individuals in April 2021. However, the decrees were not implemented by state institutions, and many were unable to regain their citizenship. In March 2021, the Supreme Court of Justice affirmed the JCE's practice of issuing new birth certificates for those affected by the 2013 ruling, which further impedes their ability from ever claiming Dominican citizenship.

LGBT+ people experience occasional violence, as well as discrimination in employment, education, and health services. They are barred from working in certain public sectors, such as the police and armed forces. Changes to the penal code proposed in 2021 fail to prohibit discrimination based on sexual orientation and gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

While citizens are generally free to move around the country, arrests for violating COVID-19-related restrictions continued in 2021. In October, the government began requiring proof of vaccination against COVID-19 to access some public spaces. The government in February also announced "emergency" plans to construct a 236-mile fence on the Haitian border that would inhibit the movement of thousands of Haitian workers. People who are six or more months pregnant would also be prohibited from crossing into the country.

Asylum seekers and refugees must pay a fee to gain travel documents. People of Haitian descent without identification cards cannot attend university or obtain formal jobs.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Private business activity remains susceptible to undue influence by organized crime and corrupt officials.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Violence and discrimination against women remain pervasive. In January 2021, President Abinader prohibited marriage for individuals under 18 years of age and issued a decree that created the Cabinet for Women, Young Women, and Girls within his office. Poor medical care has left the country with one of the highest maternal mortality rates in the region. A 2015 Constitutional Tribunal decision effectively reinstated a complete ban on abortion, and in June 2021, the Chamber of Deputies voted against decriminalizing it in cases of rape or incest, risk to the life of the pregnant individual, and when the fetus cannot survive outside of the uterus.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Many workers in the country are employed informally, leaving them without legal protections. Haitians who lack documentation and clear legal status are particularly susceptible to forced labor but are often overlooked by antitrafficking initiatives.

The Dominican Republic remains a source, transit, and destination country for the trafficking of men, women, and children for sexual exploitation and forced labor. The US State Department's 2021 *Trafficking in Persons* report highlighted that the government has failed to revise its trafficking laws and does not report on the number of victims who received care.

Ecuador

Population: 17,500,000

Capital: Quito

Freedom Status: Partly Free

Electoral Democracy: Yes

Status Change: Ecuador's status improved from Partly Free to Free because the year's presidential and legislative elections did not suffer from the types of abuses seen in previous contests, such as the misuse of public resources, and resulted in an orderly transfer of power between rival parties.

Overview: Elections take place regularly, and some key state institutions have recently displayed greater independence. Freedoms for media and civil society expanded under former president Lenín Moreno, the chosen successor of leftist Rafael Correa. The 2021 elections marked the first time that neither Correa nor his preferred candidate won the presidency in 14 years. Ongoing challenges include official corruption, due process violations, and violence in prisons and during protests.

KEY DEVELOPMENTS IN 2021

- In April, Guillermo Lasso, who had unsuccessfully run for president twice before, defeated Andrés Arauz of the Correa-led Union for Hope (UNES) amid high turnout. Lasso won with 52 percent of the vote in the second-round contest, while Arauz received 48 percent.
- Though no party won a majority in the February legislative elections, UNES secured 49 seats, followed by Pachakutik, a party that represents Indigenous communities, with 27. President Lasso's party, Creating Opportunities (CREO), obtained 12. International and domestic observers generally praised the legislative elections as credible and fair.
- In September, 119 inmates were killed in a high-security prison in Guayaquil after a dispute between two rival criminal gangs became violent, making for the deadliest such incident in Ecuadorian history. Various media outlets reported that the aggressors were heavily armed.

POLITICAL RIGHTS: 31 / 40 (+4)

A. ELECTORAL PROCESS: 11 / 12 (+3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4 (+1)

The 2008 constitution provides for a directly elected president. The president has the authority to dissolve the legislature, which triggers new elections for both the assembly and the presidency. In 2018, voters approved a referendum that restored term limits, which had been eliminated in a 2015 constitutional amendment under former president Correa; the president can now serve up to two terms, which effectively bars Correa from reclaiming the presidency.

In April 2021, Guillermo Lasso, who had unsuccessfully run for president twice before, defeated UNES candidate Andrés Arauz. Lasso won 52 percent of the vote while Arauz received 48 percent.

Lasso narrowly outpolled Yaku Pérez of Pachakutik in the first round, which was held in February. Pérez denounced those results as fraudulent, but was unable to produce any evidence to support his claims. The Organization of American States (OAS) and other observers called the election free and fair, and the National Electoral Council (CNE) overcame internal disputes and a tense political environment to provide results on election day.

Score Change: The score improved from 3 to 4 because deficiencies seen in the last election, including abuse of public resources in favor of the ruling party, were not repeated.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4 (+1)

Ecuador has a 137-seat unicameral National Assembly, with 116 members directly elected, 15 elected by proportional representation, and 6 elected through multiseat constituencies for Ecuadorians living abroad; as dictated by the 2018 referendum, members serve a maximum of two four-year terms.

International and domestic observers generally praised the February 2021 legislative elections as credible and fair. While no party won a majority, UNES, the new party formed by Rafael Correa and his allies, secured 49 seats, followed by Pachakutik with 27. The Social Christian Party (PSC) and the Democratic Left (ID) both won 18. CREO obtained only 12.

Score Change: The score improved from 3 to 4 because deficiencies seen in the last election, including abuse of public resources in favor of the ruling party, were not repeated.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)

During the Correa era, the CNE had generally been considered government-controlled. The body faced some criticism for its administration of the 2017 elections, including for slow vote counting and irregularities in the voter rolls. In response to the criticism, the transitional National Council of Citizen Participation and Social Control (CPCCS), which is responsible for appointing CNE members, dismissed all sitting CNE members in July 2018, and that November, five newly appointed members began a six-year term.

The new members displayed greater independence and transparency than their predecessors and oversaw successful 2019 local elections. However, in January 2020, CNE president Diana Atamaint narrowly avoided an impeachment trial amid accusations of influence peddling. The CNE also faced scrutiny as preparations began for the 2021 presidential and general elections.

The Latin American Political Reforms Observatory, a research center at The New School University in New York, praised the CNE for how the 2021 elections were organized, for successfully implementing recommendations from international election observers and the OAS, particularly around public health, and publishing the results quickly and accurately.

Score Change: The score improved from 2 to 3 due to better organized elections and the implementation of new registration procedures that increased access for opposition candidates.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

According to the 2008 constitution, political organizations must collect voters' signatures equivalent to 1.5 percent of the electoral roll to register and participate in general elections. If a party or group fails to win 4 percent of the vote for two consecutive elections, its registration can be revoked, disadvantaging smaller parties. Recent elections have seen a significant rise in electoral competition: the 2021 elections featured 16 presidential candidates and 17 legislative party lists.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4 (+1)

For decades, Ecuador's political parties have been largely personality based, clientelist, and fragile. Proud and Sovereign Fatherland (PAIS), the largest bloc in the previous legislature, split after former president Moreno came to power, with one faction loyal to Moreno and the other loyal to Correa; ahead of the 2019 polls the latter group left the ruling party and joined the Citizens' Revolution party.

Smaller establishment parties such as the PSC and newer parties have successfully gained representation in recent years. Lasso's victory in the 2021 presidential election marked the first time in 14 years that neither Correa nor a candidate affiliated with one of Correa's parties became president.

Score Change: The score improved from 3 to 4 because there are no significant impediments to the opposition's ability to win power in elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

The people's political choices are generally free from domination by powerful groups that are not democratically accountable. However, wealthy business interests can undermine democratic accountability by facilitating or encouraging corruption among elected officials.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ecuador's constitution promotes nondiscrimination and provides for the adoption of affirmative action measures to promote equality and representation of marginalized groups. In practice, however, Indigenous groups often lack a voice in key decisions pertaining to their land and resources. Nonetheless, Indigenous groups are an important force in national politics. Pachakutik candidate Pérez narrowly finished in third place in the first round of the 2021 presidential election; Pachakutik became the second largest legislative bloc in the concurrent legislative polls. A member of Pachakutik, Guadalupe Llori, also became the first Indigenous woman to preside over the National Assembly.

An LGBT+ rights activist, Pamela Troya, registered as the only openly gay candidate for the 2021 legislative elections. In 2020, she filed a complaint after being mocked by a prosecutorial staffer while reporting that she had received death threats.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials are generally free to set and implement government policy without undue interference from nonstate actors. However, the executive has exhibited a strong influence on other branches of the government, and political actors are susceptible to manipulation by powerful business interests.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Ecuador has long been racked by corruption, and the weak judiciary and lack of investigative capacity in government oversight agencies contribute to an environment of impunity. Although the Moreno administration initially emphasized anticorruption efforts and several prominent politicians have faced investigation and prosecution in recent years, corruption scandals rocked the country during the COVID-19 pandemic, illustrating the depth of the challenge of effectively combating graft. In September 2021, the Lasso administration estimated the cost of corruption between 2007 and 2019 at approximately \$68 billion.

In July 2021, Pachakutik legislator Rosa Cerda was recorded telling other party members, “If you’re going to steal, do it well.” National Assembly president Llori, also from Pachakutik, has been accused of misusing public funds and spending lavishly during official trips. In October 2021, National Assembly vice president Bella Jimenez, an ID member, was expelled from the legislature for offering to get people public-sector jobs in exchange for money.

During the 2021 presidential election campaign, UNES candidate Arauz questioned whether Lasso’s stake in the country’s second-largest bank posed a conflict of interest. In October, Lasso was accused of tax evasion by several members of the opposition after Lasso was listed in the Pandora Papers, an investigation by the International Consortium of Investigative Journalists (ICIJ) that exposed corruption in the international financial system and connections between powerful actors around the world, as having stored much of his fortune in offshore accounts.

C3. Does the government operate with openness and transparency? 2 / 4

The law guarantees citizens’ right to access public information, and although compliance has improved over the years, some government bodies remain reluctant to disclose it. In 2018, the government took steps to enhance access to information, including the establishment of a transparency-monitoring mechanism to ensure that public agencies provide relevant information online. At the height of the COVID-19 pandemic’s first wave in April 2020—and following heavy criticism from the media and civil society—then president Moreno admitted that the government’s stated numbers of cases and deaths represented a significant undercount.

Public procurement processes are frequently opaque and malpractice involving government contracts is common.

CIVIL LIBERTIES: 40 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 3 / 4**

Media freedom improved after former president Moreno took office in 2017. His administration permitted more diverse coverage in the country’s state-run media, which had previously shown clear bias toward Correa and the PAIS alliance. In 2018, the National Assembly reformed the restrictive Organic Communications Law, including by eliminating the notorious Superintendency of Information and Communication (SUPERCOM), which monitored media content, investigated journalists, and issued fines and other sanctions.

Investigative journalists played an active role in discrediting official COVID-19 statistics, exposing corruption in the public health sector, and revealing new details about the mechanics of corruption in the Correa administration.

Challenges to press freedom remain. In October 2021, President Lasso sent a letter to the editorial board of *El Universo*, one of the country’s most prestigious newspapers, complaining that its coverage of the Pandora Papers was unfair. The letter was widely

condemned by local media outlets and freedom of expression activists as an attempt to influence the paper's editorial independence.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally guaranteed and generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

In 2018, the National Assembly approved reforms to the Organic Law on Higher Education, which restored public funding for research at universities that operate in Ecuador under international agreements. In August 2021, the Lasso administration proposed amendments to the same law that would strengthen the autonomy of universities and independence of students in Ecuador.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Discussion of controversial topics among private citizens is generally free. However, crackdowns on social media have led some online outlets to disable sections for public commentary for fear of reprisals, limiting the freedom of private discussion online.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

Protests occur regularly throughout the country without incident, and restrictions on assembly rights initially eased under President Moreno. However, national security legislation provides a broad definition of sabotage and terrorism, extending to acts against persons and property by unarmed individuals, which can be used to limit assembly rights. In May 2020, the Ministry of Defense issued a regulation authorizing soldiers' use of lethal force in situations that potentially included protests. Following a challenge by rights groups, the Constitutional Court suspended the regulation that June, pending a full decision.

In 2019, coalition of unions, Indigenous political groups, and other civil society groups began a series of demonstrations and strike actions against an end to fuel subsidies, with some demonstrations turning violent. In response, the government declared a nationwide state of emergency, and police used excessive force against and arrested protesters en masse. Moreno eventually rescinded the cuts, and activists in turn called off the demonstrations.

In October 2021, Indigenous communities initiated mass protests again, as President Lasso similarly proposed an increase in fuel prices. Protesters blocked major roads and were prevented from entering the presidential palace by riot police. Lasso subsequently announced a pause on the fuel cost increases and engaged in talks with Indigenous community leaders in early November.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

In 2017, the Moreno administration rescinded controversial Correa-era decrees that heavily restricted nongovernmental organizations (NGOs) and their ability to operate. However, though observers saw Moreno's regime was an improvement, many criticized the retention of excessive government regulatory power. For example, current NGO regulations allow authorities to close an organization deemed to perform activities different from those for which it was created, or to be participating in politics.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Private-sector labor unions have the right to strike, though the labor code limits public-sector strikes. Only a small portion of the general workforce is unionized, partly because many people work in the informal sector. In 2018, the National Union of Educators (UNE), which had been dissolved by the government in 2016 under restrictive NGO regulations, was able to resume operations.

F. RULE OF LAW: 8 / 16**F1. Is there an independent judiciary? 2 / 4**

Ecuador's highest-ranking judicial bodies are the 21-member National Court of Justice and the 9-member Constitutional Court. Both courts faced attacks on their autonomy during the Correa era, but judicial independence increased during the Moreno administration. The passage of the 2018 referendum restructured the CPCCS, a powerful body responsible for appointing the attorney general, and the Judiciary Council, which appoints judges. All CPCCS members, who were considered allies of the Correa government, and Judiciary Council members were replaced.

More controversially, the transitional CPCCS had significant influence over the composition of the Constitutional Court, despite its lack of jurisdiction. The transitional CPCCS voted to remove all nine judges on the court, citing corruption and a lack of independence within the body, and then created a committee to select the court's new members who were selected and approved in early 2019. Later that year, the new court ratified the legality of the transitional CPCCS's actions.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Judicial processes remain slow, and procedures designed to expedite cases have been implemented at the detriment of defendants' due process rights. Many people are held in pretrial detention for longer than is permitted by law. While the number of public defenders has increased in recent years, the state is still unable to provide adequate legal counsel for all defendants who are unable to supply their own.

During his tenure, former president Correa and his allies frequently intervened in court cases, telling judges how they should rule, and sometimes removing judges who refused to comply. Under President Moreno, such blatant interference in court proceedings diminished, allowing defendants more fair public hearings of their cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Allegations of police abuse of suspects and detainees are common. In October 2020, municipal police officers in Durán were filmed attacking a mentally disabled woman who was caught selling toothpaste outside a public building. The officers involved were detained.

Accountability efforts related to the 2019 protest violence remained limited in 2021. Hundreds of investigations were open in 2020, but only a handful of trials had begun; nearly all were focused on protesters accused of inciting or committing violence, some of whom were Indigenous leaders or members of the political opposition. Multiple groups that conducted investigations, including the Inter-American Commission on Human Rights (IACHR), Human Rights Watch (HRW), and the governmental Ombudsman's Office, found that state agents committed human rights violations during the protests, but investigations had not yielded charges.

Prisons are overcrowded and violent. There are approximately 40,000 inmates, nearly 15,000 of whom have not been sentenced. The system also lacks adequate personnel, employing only 1,600 prison guards.

Three major security incidents occurred in Ecuadorian prisons during 2021. In September, 119 inmates were killed in a high-security prison in Guayaquil after a dispute between two rival criminal gangs became violent. Various media outlets reported that the aggressors were heavily armed with machetes, knives, rifles, semiautomatic weapons, and grenades. The events in Guayaquil were the latest in a series of incidents that highlight the state's inability to protect prisoners from gangs and drug cartels and was the most fatal such incident in the country's history. After the Guayaquil incident, President Lasso declared a state of emergency for the penitentiary system and extended it through late December.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Indigenous people continue to suffer widespread societal discrimination, and oil-drilling and mining projects on Indigenous lands are frequently carried out without consulting local Indigenous communities, as required by the constitution. In July 2020, the Constitutional Court reinforced consultation requirements for proposed changes to the status of Indigenous ancestral territories.

Ecuador is one of the largest recipients of refugees in Latin America. According to the Office of the UN High Commissioner for Refugees (UNHCR), Ecuador hosted over 508,000 Venezuelans as of the end of 2021. Many Venezuelan immigrants have reported facing discrimination and xenophobia, amid unfounded accusations that their arrival has caused a spike in crime and violence in the country. In addition, approximately 250,000 refugees from Colombia have entered Ecuador since the late 1990s, and thousands are still there.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement outside and inside the country is largely unrestricted. Workers in the palm oil industry, however, have faced restrictions on their movement imposed by employers, including curfews. Individuals may generally determine their place of employment and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The government does not impose significant restrictions on the right to own property and establish private businesses. However, widespread corruption by both public officials and private-sector actors can obstruct normal business activity and weakens the protection of property rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

In June 2019, the Constitutional Court narrowly ruled that the marriage ban on same-sex couples was unconstitutional, based on a previous opinion by the Inter-American Court of Human Rights that recommended the recognition of same-sex marriage. The Constitutional Court ruling divided public opinion, but same-sex couples successfully applied for marriage licenses in the following months. Civil unions had previously been recognized in Ecuador.

In a May 2020 report, the UN special rapporteur on violence against women highlighted significant ongoing challenges in protecting women from violence and abuse. A study from the National Institute of Statistics and Censuses (INEC) found that 65 percent of Ecuadorian women had suffered abuse in some form during their lives. Abortion remains a crime in Ecuador, and in September 2020, President Moreno vetoed an ambitious health code reform that would have decriminalized abortions resulting from obstetric emergencies.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Men, women, and children are sometimes subjected to forced labor and sex work in Ecuador; Indigenous and Afro-Ecuadorian individuals, as well as migrants and refugees, remain most vulnerable. According to data published in a 2020 World Bank report, 6.6 percent of Venezuelans in Ecuador reported being subjected to forced labor within the previous month, and the economic disruption caused by the COVID-19 pandemic further increased migrants' economic precarity and vulnerability.

The government has taken some action to address the problem of economic exploitation, including by increasing trafficking-related law enforcement operations. However, services for victims are inadequate, and some public officials believed to be complicit in trafficking operations have escaped punishment.

Egypt

Population: 102,300,000

Capital: Cairo

Freedom Status: Not Free

Electoral Democracy: No

Overview: President Abdel Fattah al-Sisi, who first took power in a 2013 coup, has governed Egypt in an increasingly authoritarian manner. Meaningful political opposition is virtually nonexistent, as expressions of dissent can draw criminal prosecution and imprisonment. Civil liberties, including press freedom and freedom of assembly, are tightly restricted. Security forces engage in human rights abuses and extrajudicial killing with impunity. Discrimination against women, LGBT+ people, and other groups remain serious problems, as does a high rate of domestic violence.

KEY DEVELOPMENTS IN 2021

- In December, an emergency court sentenced activists and human rights defenders Alaa Abdel Fattah and Mohamed al-Baquer to five and four years in prison, respectively, after being convicted of spreading false news and undermining state security. Egyptian authorities had held both activists in prison since 2019.
 - In October, President Sisi suspended the state of emergency that was imposed in 2017. The suspension should end the use of emergency courts, which do not satisfy the minimum standards of fair trials. However, the decision does not preclude hearing cases that were already referred to those courts, nor does it invalidate repressive legislation that was integrated into criminal law.
 - According to the Egyptian Initiative for Personal Rights, in the first two months of 2021 alone, seven prisoners were executed by Egyptian authorities, 67 new
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defendants were sentenced to death, and 48 new defendants received provisional death penalty sentences. In April, at least seven convicted prisoners were executed.

POLITICAL RIGHTS: 6 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president is elected by popular vote for up to two terms. President Abdel Fattah al-Sisi, who first took power in a 2013 coup while serving as Egypt's defense minister and armed forces commander, has been elected only through unfair, noncompetitive contests. In the 2018 elections, Sisi received 97 percent of the votes after pressuring all opposition candidates to withdraw, leaving only Mousa Mostafa Mousa, head of the Al-Ghad Party who had campaigned for Sisi, in the race. Voting in 2018 was marred by low turnout, the use of state resources and media to support Sisi's candidacy, voter intimidation, and vote buying.

Constitutional amendments adopted in 2019 added two years to Sisi's current term, extending it through 2024, at which point he will be allowed to seek an additional six-year term. Beyond this, future presidents will be limited to two six-year terms.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 2019 amendments to the 2014 constitution reestablished the Egyptian parliament as a bicameral body in which members serve five-year terms. The upper house, the Senate, consists of 300 seats and has no significant legislative competencies. Two-thirds of Senate members are elected (half through closed party lists and half through individual seats) and one-third are appointed by the president. The House of Representatives consists of 568 members, half elected through closed party lists and half through individual seats. The president has the right to appoint 28 additional members to the House.

The 2020 elections to both bodies of the parliament were neither free nor fair and were marred by the widespread detention and intimidation of individuals who criticized the process, low turnout, claims of fraud, vote buying, and severe interference by security apparatuses. No credible groups were allowed to monitor the elections.

Without any competitor lists, the Unified National List, headed by the regime-allied Mostaqbal Watan (Nation's Future) Party, won all 100 party-list seats and 88 individual seats in the Senate; Mostaqbal Watan also won all 284 party-list seats and 31 individual seats in the House of Representatives. Another preregime party, the Republican People's Party, won 6 individual Senate seats and 50 individual House seats. Independents and small parties took the remaining seats in the Senate and House. In October 2020, President Sisi appointed 100 mostly preregime members to the Senate.

Egypt has not held elections for local councils since 2008. The last elected local councils were dissolved in 2011; since then, government-appointed officials, mostly consisting of former police and military officers, have dominated local governance and politics.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

While electoral laws provide some basis for credible elections, electoral authorities largely fail in practice to ensure an open and competitive campaign environment. The board of the National Electoral Commission (NEC) consists of senior judges drawn from some of Egypt's highest courts, who serve six-year terms. The NEC's establishing

legislation phases out direct judicial supervision of elections by 2024, which critics argue will further damage the integrity of elections and reduce public trust in the results. In November 2021, Hossam Bahgat, director of the Egyptian Initiative for Personal Rights was fined 10,000 pounds for insulting NEC.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Political parties are legally allowed to form and operate, but in practice there are no political parties that offer meaningful opposition to the incumbent leadership.

Activists, parties, and political movements that criticize the regime face arrests, harsh prison terms, death sentences, extrajudicial violence, and other forms of pressure. Known as the Al-Amal (Hope) Coalition case, at least 15 individuals were detained in 2019 before launching a secular coalition to run in the 2020 parliamentary elections. In November 2021, an emergency court sentenced without appeal coalition leaders Ziad el-Elaimy Hossam Monis, Hisham Fouad, and three others to multi-year prison terms for posting critical content on social media. Some members of this group were reportedly subjected to torture while in detention. Thousands of other opposition figures remain in prison, where they live in unsanitary conditions.

Parties formed based on religion are forbidden. While some Islamist parties still operate in a precarious legal position, the Muslim Brotherhood was outlawed in 2013 as a terrorist organization, and its political party was banned. Since then, authorities have systematically persecuted its members.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

By extending presidential term lengths and limits in 2019, controlling the electoral process, intimidating presidential and parliamentary candidates, and arresting and prosecuting those seeking to contest elections, the Sisi regime makes it nearly impossible for the opposition to gain power through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Since the 2013 coup, the military and intelligence agencies dominate the political system, with most power and patronage flowing from Sisi and his domestic allies in the armed forces and security agencies. Regional support from the United Arab Emirates and Saudi Arabia help in stabilizing the regime domestically and globally. Most of Egypt's provincial governors are former military or police commanders. Vaguely worded 2019 constitutional amendments further strengthened the legal underpinnings of the military's political influence, calling on it to "protect the constitution and democracy" for the sake of citizens' rights that are not respected by Egyptian authorities.

In July 2021, President Sisi approved amendments to some provisions of Law No. 10 of 1972 that would allow the dismissal of public servants if they were found to undermine state security or be on a terrorism list. The amendments enable authorities to further target opposition supporters working in the civil service.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The constitution and Egyptian laws grant political rights to all citizens regardless of religion, gender, race, ethnicity, or any other such distinction. However, Christians, Shiite Muslims, people of color, and LGBT+ people face discrimination and are denied access to rights, which in turn affects their ability to participate in political life. Sisi and the security apparatus's increasing control of elections and other aspects of society only permit these groups to represent their interests within the narrow scope of officially sanctioned politics, or risk harsh penalties for transgressing stated and unstated red lines. The diminishing power of the legislature further undercuts avenues for meaningful representation.

Though President Sisi has approved laws tightening punishments on female genital mutilation (FGM) and sexual harassment, women generally struggle to see their interests represented in politics. Women held 27.7 percent of seats in the House of Representatives as of mid-2021, in large part due to legal gender quotas.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

President Sisi and the security apparatus dominate the policymaking process. The parliament has neither a significant role in forming and debating laws, nor the ability to provide a meaningful check on executive power. Many laws originate in Sisi's cabinet.

The 2019 constitutional amendments further consolidated Sisi's authority and increased the military's already considerable independence from civilian oversight and its constitutional role in civilian governance. The amendments allow the Supreme Council of the Armed Forces to permanently control the appointment of the defense minister, who is also the commander in chief.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is pervasive at all levels of government. Official mechanisms for investigating and punishing corrupt activity remain weak and ineffective. The Administrative Control Authority (ACA), the body responsible for most anticorruption initiatives, is under the control of Sisi. It lacks credibility, transparency, and impartiality and is not allowed to monitor the economic activities of the military. Thus, the ACA is believed to be an instrument for Sisi to control bureaucracy, manage key patronage networks, and serve the regime's propaganda.

C3. Does the government operate with openness and transparency? 1 / 4

The Sisi administration has provided very little transparency regarding government spending and operations and denies civil society groups and independent journalists opportunities to comment on or influence state policies. The military is notoriously opaque with its budget and its extensive business interests.

The government's handling of the COVID-19 pandemic was characterized by opacity and lack of transparency on the numbers of cases and deaths. Regime-allied outlets that dominate the media sector spread misinformation about the illness. Many doctors were arrested for publicly criticizing the lack of personal protective equipment (PPE) and coronavirus tests.

CIVIL LIBERTIES: 12 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

The Egyptian media sector is dominated by progovernment outlets; most critical or opposition-oriented outlets were shut down in the wake of the 2013 coup. Private media

are owned by businesspeople and individuals tied to the military and intelligence services. Independent reporting is suppressed through restrictive laws and intimidation, while foreign journalists face obstruction by the state. The Committee to Protect Journalists (CPJ) noted that Egypt detained the third-most journalists in the world in 2021, with 25 in detention at the end of the year.

Intelligence apparatuses seek to shape citizen attitudes by promoting conspiracy theories, disinformation, and hatred toward opposition and critics through media outlets they own or control. Moreover, authorities block news websites and target independent journalists, limiting citizens' access to credible information.

In July 2021, Abdel Nasser Salama, former editor in chief of state-run newspaper *Al-Ahram*, was detained on terrorism and false news charges after writing an article calling for President Sisi to resign.

Two laws ratified in 2018 pose additional threats to press freedom. The Media Regulation Law prescribes prison sentences for journalists who “incite violence” and permits censorship without judicial approval, among other provisions. The 2018 Anti-Cyber and Information Technology Crimes Law allows authorities to block any website considered to be a threat to national security, a broad stipulation that is vulnerable to abuse. Websites of independent news and information entities are regularly blocked. In June 2021, the president approved amendments to the penal code tightening punishments for journalists who cover criminal trial sessions without prior approval. In November, President Sisi further toughened penalties for disclosing state classified information, increasing potential fines and allowing for prison terms between six months and 5 years.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

While Article 2 of the 2014 constitution declares Islam to be the official religion, Article 64 states that “freedom of belief is absolute.” Most Egyptians are Sunni Muslims. Coptic Christians form a substantial minority, and there are smaller numbers of Shiite Muslims, non-Coptic Christian denominations, and other groups. Religious minorities and atheists have faced persecution and violence, with Copts in particular suffering numerous cases of forced displacement, physical assaults, bomb and arson attacks, and blocking of church construction in recent years. Informal reconciliation sessions following instances of sectarian conflict have denied Copts justice for acts of violence against them. In November 2021, Ahmed Abdo Maher, a lawyer and Islamic thinker, was sentenced to five years in prison on charges of defaming Islam and “stirring up sectarian strife.”

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The state controls education and curriculums in public schools and to a lesser degree in some of the country's private institutions. Faculty members and departments have some autonomy in shaping specific courses, though many scholars self-censor to avoid any punitive measures. University professors can be dismissed for on-campus political activity, and several prominent academics are in prison for expressing political views. The government imposes strict requirements for academics to obtain approval from security officials for travel abroad, and many have been subject to prosecution by emergency courts.

Since 2013, university students have been arrested, faced disciplinary sanctions such as expulsion, military trials, and extrajudicial killings for their political activism. In June 2021, an emergency court in Egypt sentenced researcher and graduate student Ahmed Samir Santawy to four years in prison for publishing false news.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Individuals who express personal views contrary to preferred state narratives are subject to reprisals. Arrests of activists over social media posts and other activities are common and send a clear message that voicing dissent is intolerable, which contributes to self-censorship among ordinary Egyptians. In recent years, authorities have targeted content creators on social media platforms, most notably TikTok, for various spurious charges. Progovernment media figures and state officials regularly call for national unity and suggest that only enemies of the state would criticize authorities.

In December 2021, an emergency court in Cairo sentenced activist and blogger Mohamed Ibrahim, also known as Mohamed Oxygen, to four years in prison. He was convicted of spreading false news and undermining state security.

Security agencies use surveillance equipment and techniques to monitor social media platforms and mobile phone applications. The Anti-Cyber and Information Technology Crimes Law requires telecommunications companies to store users' data for 180 days, further enabling widespread government surveillance. The law also broadly criminalizes online expression that "threatens national security." The 2018 Media Regulation Law subjects any social media user with more than 5,000 followers to government monitoring and regulation.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

According to the constitution, freedom of assembly should not be restricted. However, the Interior Ministry can legally ban, postpone, or relocate protests with a court's approval. Unauthorized gatherings of 10 or more people can be subject to forced dispersal. Protest organizers must inform police of their plans at least three days in advance. Thousands of protesters have been arrested since 2013 (when these strict laws were introduced), and some jailed protesters have received death sentences. Because of this government crackdown on assembly rights, protests are extremely rare.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

In recent years, nongovernmental organizations (NGOs) have faced mass closures as well as harassment in the form of office raids, arrests of members, lengthy legal cases, and restrictions on travel. A restrictive 2019 law constrains the activities of NGOs deemed to threaten national security, public morals, and public order and imposes onerous reporting requirements and intrusive monitoring systems. Punishments for violations of the law are severe. In 2021, authorities arrested and imprisoned activists and dissidents on spurious charges, including undermining state security.

In December 2021, an emergency court sentenced activists and human rights defenders Alaa Abdel Fattah and Mohamed al-Baqer to five and four years in prison, respectively, after being convicted of spreading false news and undermining state security. Authorities had held both activists in prison since 2019.

Political dissidents abroad are targeted by espionage operations, and their families in Egypt have increasingly faced persecution by state authorities. In February, authorities raided the homes of six members of the extended family of Mohamed Soltan, a US-based human rights advocate, after Soltan sued a former Egyptian prime minister in June 2020 over his arrest and torture.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The government only recognizes unions affiliated with the state-controlled Egyptian Trade Union Federation. While Article 15 of the constitution provides for the right to organize peaceful strikes, they are not tolerated in practice, and the law on protests prohibits gatherings that impede labor and production. Striking workers have in the past been arrested and prosecuted. Workers at military-owned businesses are subject to trials by military courts. Authorities failed to protect striking workers in July and August 2021, allowing the large manufacturing company LORD International to unfairly dismiss and punish workers on strike.

F. RULE OF LAW: 2 / 16**F1. Is there an independent judiciary? 1 / 4**

The executive branch exerts influence over the courts, which typically protect the interests of the government, military, and security apparatus and have often disregarded due process and other basic safeguards in cases against the government's political opponents and all forms of independent expression. The 2019 constitutional amendments further strengthened the president's supervisory powers over the judiciary and undermined its independence. The changes allow the president to appoint the heads of judicial bodies and authorities, choosing from among several candidates nominated by their governing councils. The president also serves as the veto-wielding head of the Supreme Council for Judicial Bodies and Authorities, which controls appointments and disciplinary matters for the judiciary. The chief justice of the Supreme Constitutional Court is chosen by the president from among its most senior members.

A number of detained government critics and opposition figures have been prosecuted in the emergency courts created when President Sisi declared a state of emergency in 2017, which remained in effect until October 2021. Decisions in these courts are subject to approval by Sisi, who can reverse or commute sentences without right to appeal.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Since 2013, Egyptian authorities have increasingly used months- or even years-long pretrial detentions as retribution for opposition members, journalists, and activists. These severe violations of due process rights and legal standards has normalized the use of the Egyptian justice system for political purposes.

Although the constitution limits military trials of civilians, a 2014 presidential decree placed all "public and vital facilities" under military jurisdiction, resulting in the referral of thousands of civilian defendants to military courts. That expansion of jurisdiction was made permanent in November 2021. Charges brought in military courts are often vague or fabricated, defendants are denied due process, and basic evidentiary standards are routinely disregarded.

In October 2021, President Sisi suspended the state of emergency that was imposed in 2017. The suspension should end the use of emergency courts, which do not satisfy the minimum standards of fair trials. However, the decision does not preclude hearing cases that were already referred to those courts, nor does it invalidate repressive legislation that was integrated into criminal law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Police brutality and impunity for abuses by security forces were catalysts for the 2011 uprising against former president Hosni Mubarak, but no reforms have since been enacted

and security forces continue to wield illegitimate force with impunity. Antiterrorism laws provide a vague definition of terrorism and grant law enforcement personnel sweeping powers and immunity in enforcement. Prison conditions are very poor, and prisons were grossly unequipped during the COVID-19 pandemic to treat the illness or prevent its spread. Inmates are subject to physical abuse, overcrowding, unsanitary conditions, and denial of medical care.

Use of the death penalty has increased dramatically since Sisi took power, despite serious concerns about due process violations and politicized prosecutions. According to the Egyptian Initiative for Personal Rights, in the first two months of 2021 alone, seven prisoners were executed by Egyptian authorities, 67 new defendants were sentenced to death, and 48 new defendants received provisional death penalty sentences. In April, at least 7 convicted prisoners were executed. In June, the Court of Cassation upheld death sentences for 12 prisoners based on their involvement in protests related to the ouster of former president Mohamed Morsi from power in July 2013.

Conflict continues between security forces and adherents of the Islamic State (IS) militant group based in the North Sinai region. Both terrorist attacks and military operations have resulted in civilian casualties. For years, Egyptian security forces have carried out extrajudicial executions, claiming that the victims had been killed in shootouts. In August 2021, a video released by the spokesperson of the Egyptian armed forces praising the success of military operations in North Sinai and the killing of 89 militants, appeared to show the killing of two unarmed people who clearly posed no threat to the security forces present.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Though the constitution stipulates equality for women, their court testimony is not equal to that of men in cases involving personal status matters and they are disproportionately marginalized. In practice, women face extensive discrimination in employment, among other disadvantages. Other segments of the population that are subject to various forms of harassment and discrimination include Coptic Christians and other religious minorities, people of color from southern Egypt, migrants and refugees from sub-Saharan Africa, people with disabilities, and LGBT+ people.

While same-sex sexual conduct is not explicitly banned, people suspected of such activity can be charged with prostitution or “debauchery.” The police have carried out dozens of such arrests in recent years. An October 2020 Human Rights Watch (HRW) review of the cases of 13 LGBT+ individuals prosecuted between 2017 and 2020, found that many of the 13 were tortured or sexually assaulted by police officers.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The constitution guarantees freedom of movement, but internal travel and access are restricted tightly in North Sinai and to a lesser extent in other governorates along Egypt’s borders. Sinai residents are subject to curfews, checkpoints, and other obstacles to travel.

Individuals seeking to change their place of employment or education can encounter bureaucratic barriers and scrutiny from security officials. In addition, a growing list of rights activists, journalists, political party members, bloggers, and academics have been subjected to arbitrary bans on international travel in recent years. Foreign researchers or activists have been expelled or denied entry to the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Under Sisi, the military is woven into many aspects of Egypt's economy. It runs businesses, produces goods, and manages megaprojects and infrastructure that benefit from tax and customs exemptions, free labor (conscripted soldiers), lack of public budget oversight, and allocation of lands through presidential decrees. Opportunities for private businesses are limited. In December 2020 and February 2021, the authorities arrested Safwan Thabet, the founder and majority shareholder of Egypt's largest dairy products and juice producer Juhayna, and his 40-year-old son, Seif, detained them in inhumane conditions; and charged them with funding terrorism after they refused to release control of Juhayna's assets.

Property rights in Sinai and other border areas are affected by the activities of security forces. Women are at a legal disadvantage in property and inheritance matters, typically receiving half the inheritance due to a man. Societal biases also discourage women's ownership of land.

In November 2021, President Sisi approved legal amendments that gave the Egyptian military the authority to secure vital facilities (including gas stations, gas lines, oil fields, railways, road networks, bridges, and other public facilities and properties). According to the amendments, crimes against public and vital facilities and properties are subject to the jurisdiction of the military judiciary.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence, sexual harassment, and female genital mutilation (FGM) are still among the most acute problems in Egyptian society, though in April 2021, the government toughened penalties for FGM. However, the effectiveness of such laws is hindered by societal resistance, poor enforcement, abuses by the police themselves, and lack of adequate protection for witnesses, all of which deter victims from contacting authorities. Spousal rape is not a crime.

Personal status rules based on religious affiliation put women at a disadvantage in marriage, divorce, and custody matters. Muslim women cannot marry non-Muslim men, for example, and the Coptic Church rarely permits divorce.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Women and children, migrants from sub-Saharan Africa and Asia, and Syrian refugees are vulnerable to forced labor and sex trafficking in Egypt. Authorities routinely punish individuals for offenses that stemmed directly from their circumstances as trafficking victims. Military conscripts are exploited as cheap labor to work on military- or state-affiliated development projects.

El Salvador

Population: 6,500,000

Capital: San Salvador

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Elections in El Salvador are largely credible and free. However, widespread corruption undermines democracy and the rule of law, and lack of physical security remains a grave problem. Authorities have pursued a harsh, militarized response to the country's powerful criminal gangs, resulting in extrajudicial killings and other abuses. There is an active civil society sector and a lively press, though journalists risk harassment and violence in connection with coverage of organized crime or corruption.

KEY DEVELOPMENTS IN 2021

- The party of President Nayib Bukele, New Ideas (NI), won a supermajority in the February legislative elections. Upon assuming office in May, new legislators replaced the attorney general and all five members of the Constitutional Chamber of the Supreme Court, undermining democratic institutions intended to check executive power.
- In September, the Constitutional Court—newly staffed by Bukele allies—ruled that the president may serve two consecutive terms, contravening Article 152 of the constitution. The decision enabled Bukele to run for reelection.
- Amid mounting allegations of corruption, a number of mechanisms meant to ensure government transparency and combat official misconduct were undermined through a series of executive decrees and partisan appointments. In May, legislators approved a bill granting public officials and contractors immunity from any civil or criminal liability stemming from pandemic-related state expenditures.
- After the unconstitutional appointment of a government-aligned attorney general in May, opposition party offices in July were raided and party property was confiscated, and the Legislative Assembly set up commissions to investigate past bonus payments to politicians and public funding of nongovernmental organizations (NGOs). The actions were ostensibly meant to combat corruption, but opposition parties, rights groups, and other critics denounced them as political persecution.

POLITICAL RIGHTS: 26 / 40 (-4)

A. ELECTORAL PROCESS: 10 / 12 (-4)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

El Salvador's president is directly elected for a five-year term. In February 2019, Nayib Bukele won the presidential election in the first round with 53 percent of the vote, and was inaugurated that June. Voter turnout was 52 percent. Organization of American States (OAS) observers called the election free and generally fair and praised the peaceful transfer of power, noting the losing candidates' willingness to concede on election night.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 84-member, unicameral Legislative Assembly is elected for three years. The Nationalist Republican Alliance (ARENA) and Farabundo Martí National Liberation Front (FMLN) dominated Salvadoran politics since the first postwar election in 1994. However, in the February 2021 legislative elections, ARENA was reduced to 14 seats and the FMLN to 4, while the newly constituted party of President Bukele, New Ideas (NI), won a supermajority with 56 seats. The remaining 10 seats went to smaller parties. Turnout was about 49 percent.

European Union (EU) and Latin American election observers attested that the results reflected the popular will, but found that the campaign environment was flawed in favor of NI, with violations of electoral law including the use of significant state resources to favor the party. Notably, an investigation into the use of pandemic-related food aid by the campaign for the NI candidate for mayor of San Salvador was closed by the government-named attorney general. Such aid was also distributed through the NI party elsewhere.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (-1)

El Salvador's electoral framework is designed by the Legislative Assembly and administered by the Supreme Electoral Tribunal (TSE). The three parties that won the greatest proportion of votes in the last presidential election appoint three of the five TSE magistrates. The remaining two are nominated by the Supreme Court of Justice and must gain a two-thirds approval vote in the legislature. All are appointed to five-year terms.

In September 2021, the Constitutional Court—newly staffed by Bukele allies the NI-dominated legislature had appointed after dismissing sitting members in May—ruled that the president may serve two consecutive terms, contravening Article 152 of the constitution; the decision overturned a recent ruling that had reaffirmed the ban. The Constitutional Chamber directed the TSE to allow the change, which the TSE did, saying that the ruling could not be appealed.

Score Change: The score declined from 4 to 3 because the government-controlled Constitutional Chamber of the Supreme Court overturned a constitutional ban on presidential reelection, enabling President Bukele to run in future contests.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

The leftist FMLN and the right-wing ARENA dominated politics since the end of the war in 1992 until recently. In 2018, the first independent candidate was elected to the legislature, and in 2021, two new parties associated with Bukele won seats—NI with 56 seats, Our Time with 1.

Salvadorans have traditionally been free to organize in different political parties or groupings. However, in 2021, politically motivated corruption charges resulted in raids on party offices. After the unconstitutional appointment of a government-aligned attorney general in May 2021, ARENA party offices in July were raided and party property was confiscated. In addition, other figures from ARENA and FMLN were arrested or had arrest warrants issued against them, including two former mayors, a number of former ministers, and former president Salvador Sánchez Cerén. Meanwhile, the Legislative Assembly set up commissions to investigate past bonus payments to politicians and public funding of nongovernmental organizations (NGOs) during the year. While these actions were all ostensibly linked to fighting alleged corruption, opposition parties, rights groups, and other critics denounced them as political persecution and attempts to silence the opposition. There were numerous reports of those arrested being denied due process protections, including being refused access to their lawyers, and police failing to inform detainees of the charges against them.

Score Change: The score declined from 4 to 3 because opposition figures faced politically motivated corruption charges, resulting in raids and the confiscation of party assets.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are able to increase support and gain power through elections. Historically, presidential elections were closely contested between the leftist FMLN and the right-wing ARENA, while smaller parties performed better in the legislature. President Bukele's 2019 election marked a break in the two main parties' executive dominance; while they commanded a combined 88 percent of the vote in the first round of the 2014 presidential election, they received 46 percent in 2019.

In the February 2021 legislative and municipal elections, two recently founded parties, NI and Our Time, both gained national and local representation.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Gangs threaten political candidates and elected officials, but individual politicians and their parties also regularly engage in transactions with gangs for their own purposes. For example, municipal officers may find this necessary to guarantee the safety of their staff while working in communities. Cash payments and political promises have been made to gangs in elections going back at least twenty years.

Top-level politicians from all major parties have at different times been accused of links to organized crime. Journalists have regularly uncovered evidence of covert engagement between the Bukele government and gang leaders, chiefly to rein in gang-related crimes—especially homicides—in exchange for various concessions such as privileges for imprisoned gang members. A criminal investigation into the government's negotiations with gangs was underway, but the former prosecutor in charge said in December 2021 that the probe was shut down after the government-controlled legislature replaced the attorney general.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens have full political rights and electoral opportunities under the law, regardless of gender, ethnicity, religion, or sexual orientation, but women and minority groups are underrepresented in the legislature and in high-level government positions. A 2013 statute requires that 30 percent of legislative and municipal candidates be women, but the proportion of women in the Legislative Assembly dipped under 30 percent following the 2021 elections, and only 11 percent of mayors are women. Furthermore, women's, LGBT+, and Indigenous peoples' interests are poorly represented in practice.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (-2)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

The Bukele administration repeatedly interfered with the legislature's ability to determine policy until it gained a supermajority in the new legislative session that commenced in May 2021. Since then, the government and ruling party legislators routinely deny opposition legislators access to key information, including draft legislation, inhibiting substantial deliberation of proposed laws. In practice, legislation is drawn up by the government and swiftly rubber stamped by its legislators. Policy decisions are centralized in the executive, and specifically in President Bukele and a close circle of his trusted collaborators.

Gangs leverage their ability to coordinate surges in homicides so as to push for specific concessions from those in power, especially as regards prison conditions and police harassment and abuse.

C2. Are safeguards against official corruption strong and effective? 1 / 4 (-1)

Corruption including embezzlement, money laundering, and other forms of self-enrichment remains a problem in government, and anticorruption bodies and prosecutions are increasingly susceptible to politicization.

In November 2020, prosecutors launched a criminal investigation into the suspected misuse of COVID-19-related funds, including the awarding of public contracts to businesses linked to politicians from the ruling party. Against this backdrop, in May 2021, the government-controlled legislature passed a law granting public officials and contractors immunity from any civil or criminal liability stemming from pandemic-related state expenditures. Since then, more cases of suspected graft involving COVID-related funds have emerged.

In July 2021, the US Department of State released a list of actors engaged in “significant corruption” or actions that “undermine democratic processes or institutions” in Central America. Out of 14 Salvadorans listed, 6 were senior officials in the Bukele government, including Bukele’s cabinet chief and close associate, Carolina Recinos. President Bukele dismissed the allegations. Three weeks later, authorities issued arrest warrants for former President Sánchez Cerén and several former ministers, and arrested four former ministers and a former legislator, all from the FMLN, charging them with topping off their salaries with generous bonuses—a long-standing and widespread practice among top Salvadoran officials.

The government in June 2021 ended its cooperation agreement with the International Commission against Impunity in El Salvador (CICIES), an OAS-supported anticorruption agency that assisted Salvadoran prosecutors. The OAS denounced the decision in a statement, which also said that the government had a record of attempting to “induce the CICIES to investigate actions of opposition politicians exclusively.”

Score Change: The score declined from 2 to 1 due to the politicization of anticorruption efforts under President Bukele.

C3. Does the government operate with openness and transparency? 1 / 4 (-1)

The 2011 Access to Public Information Law instituted strong mechanisms for transparency and oversight of public institutions. While there have been issues with compliance all along, government bodies have been more resistant and less transparent since the beginning of the Bukele administration. Bukele has issued executive decrees that impinge on the independence of the oversight and enforcement body, the Access to Public Information Agency (IAIP), and has named partisan commissioners. In April 2021, Bukele suspended one commissioner, who claimed she had been harassed by the other commissioners and appealed the suspension, which was pending at the end of the year.

Government officials in 2021 continued to withhold information on COVID-19-related expenditures, even amid widespread allegations and indications of related corruption.

As of September 2021—more than two years into Bukele’s term—no government ministers had submitted their asset disclosures, as required by law to detect potential corruption. Moreover, in July the government proposed 11 changes to the Access to Public Information Law that would restrict access to information about officials’ finances.

After the governing party won a supermajority in the legislative session that started in May 2021, legislation has been routinely passed with minimal information provided to the public and even opposition lawmakers. Government plans are generally withheld from public access.

Score Change: The score declined from 2 to 1 due to the Bukele government’s efforts to dismantle public oversight mechanisms.

CIVIL LIBERTIES: 33 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16****D1. Are there free and independent media? 2 / 4**

While the constitution provides for freedom of the press, and the media scene is robust, reporters face significant challenges. Harassment and acts of violence in response to coverage of corruption and organized crime have often led journalists to engage in self-censorship. Access to the internet is not restricted, and online outlets like *El Faro*, *GatoEncerrado*, and *Revista Factum* are critical sources of independent reporting. However, most Salvadorans rely on social media and privately owned television and radio networks for news, and ownership in the broadcast sector is highly concentrated. Fake news and disinformation campaigns are widespread and fomented by key government officials, including through surrogate online media outlets.

At an April 2021 meeting of the Inter American Press Association (IAPA), a number of journalists denounced the deterioration of freedom of the press and harassment of journalists in El Salvador. In November, Apple warned at least 24 Salvadoran reporters, in addition to activists and political opposition leaders, that they were being targeted by “state-sponsored attackers” trying to remotely compromise their mobile phones.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is widely respected by state and nonstate actors. However, people in some communities have been unable to access their churches due to territorial disputes between gangs. In addition, some religious leaders working with former gang members face harassment by gangs and police and the threat of murder.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is respected, and the educational system is generally free from extensive political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While private discussion and personal expression are generally free, the prevalence of gang activity leads many Salvadorans to curtail speech about criminal activity and other sensitive topics outside of their homes.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is generally upheld, and public protests and gatherings are permitted.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

NGOs have operated freely and played an important role in society and policymaking in the postwar era. However, they have largely been excluded from engagement with policymakers under the Bukele government and are frequently lambasted by the president and other officials over critical stances toward government policy.

The Legislative Assembly set up a special commission in May 2021 to investigate NGOs and other associations and the state funding they had received during the last five

years. Government officials allege that the money had been used by opposition politicians for the illicit enrichment of the organizations and their trustees. Critics noted that the commission was made up solely of progovernment legislators and their supporters.

In November 2021, the government put forward a Foreign Agents Law, requiring individuals and organizations to register as foreign agents if their activities “respond to the interests of, or are directly or indirectly funded by, a foreigner.” The law would also require them to submit to government inspections and pay a 40 percent tax on foreign payments. Ruling-party legislators and government officials explicitly linked the law to funding given to investigative journalism that is critical of the government and recent protest marches. In the face of massive pressure, not least by the diplomatic corps and foreign donors, the government later in the month announced that it would delay voting on the law. During the same month, police and prosecutors raided the offices of seven NGOs on charges of embezzlement.

Groups that work on human rights and governance-related topics sometimes face threats and extortion attempts from criminal groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Labor unions have long faced obstacles in a legal environment that favors business interests, including by mandating only light penalties for employers who interfere with strikes. The law prohibits strikes in sectors deemed essential, and the designation is vaguely defined.

F. RULE OF LAW: 6 / 16 (-1)

F1. Is there an independent judiciary? 1 / 4 (-1)

Judicial independence has long been under pressure, and the judicial system is hampered by corruption. Elected officials do not always observe Supreme Court rulings. Powerful individuals can evade justice by exerting pressure on the judiciary.

The Bukele administration repeatedly defied court orders related to its COVID-19 response during 2020. Constitutional Court orders against Bukele’s pandemic response—in particular, its decision that a strict stay-at-home order was illegal—appeared to have a major role in prompting the legislature’s dramatic removal of the chamber’s judges in 2021: in early May, the 2021–24 Legislative Assembly came together for the first time and immediately removed all members of the Constitutional Chamber, as well as the attorney general. Minutes later, the Constitutional Chamber ruled that the legislature’s actions regarding the magistrates was unconstitutional and a violation of judicial independence. That night, the legislature named new members of the Constitutional Chamber and a new attorney general. In the next days, the ousted judges submitted their resignations, amid reports that the home of Óscar Pineda, who until then served as the president of the Supreme Court (CSJ) and head of the Constitutional Chamber, was being monitored by police.

Three months later, in August, President Bukele announced that it was time to “purge” the judiciary, and the legislature days later passed measures to dismiss judges and prosecutors who were over 60 years old or who had more than 30 years of service, which were estimated to affect one in three judges and numerous prosecutors. The reforms, which Bukele signed in September, also changed the mechanism for appointing and reassigning judges to a seemingly arbitrary process, garnering condemnation by the UN Special Rapporteur on the Independence of Judges and Lawyers.

The Bukele administration continued to resist calls to cooperate in the ongoing El Mozote trial, in which 17 high-ranking military officers stand accused of massacring nearly 1,000 people in the northeastern town of El Mozote in 1981. In September 2021, the judge

in charge of the case, who was 61 years old, resigned in protest of the new measure under which he would be dismissed.

Score Change: The score declined from 2 to 1 because President Bukele and his government forced the resignation of all five members of the Constitutional Chamber of the Supreme Court, along with scores of judges throughout the country.

F2. Does due process prevail in civil and criminal matters? 1 / 4 (-1)

In May 2021, the government-controlled Legislative Assembly removed from office the attorney general, Raúl Melara, and replaced him with the government-affiliated Rodolfo Delgado, in breach of the procedures laid out in the constitution.

Due process rights are constitutionally guaranteed but systematically violated. Human rights advocates report that police routinely carry out arbitrary arrests and detentions and fabricate and plant evidence. Defendants—especially those in pretrial detention—are provided inadequate access to effective legal counsel.

Progress on addressing crimes committed during the civil war has largely stalled.

Score Change: The score declined from 2 to 1 because the Bukele administration replaced the prosecutor general through unconstitutional procedures.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4 (+1)

Crime and violence, much of which is linked to gangs, remain grave problems. Yet, 2020 and 2021 saw the lowest homicide rates in years. In 2020, according to statistics from the Salvadoran National Police, there were 20 homicides per 100,000 people; in 2021, the number dropped to 18 per 100,000. In comparison, in 2016, police recorded 5,278 homicides—a rate of approximately 80 per 100,000.

Civilians in El Salvador are vulnerable to forced disappearances. According to police figures, in 2020 there were 1,534 reports of missing persons, and 989 between January and June 2021. Relatives of the disappeared often fear reprisals for discussing their cases publicly.

Police and military forces have been implicated in hundreds of extrajudicial killings as part of the government's militarized response to gangs, with almost complete impunity. A report by the Observatory of Human Rights at the José Simeón Cañas University of Central America found that between 2015 and 2020, killings by police peaked in 2016 at 603 but have declined since, with 88 recorded cases in 2020.

Prisons remain overcrowded, and conditions for incarcerated people can be lethal due to disease, lack of adequate medical care, and the risk of violence. The “extraordinary measures” in prisons implemented by the Sánchez Cerén government in 2016 to increase security in prisons and upheld ever since have suspended family visits, limited access to lawyers, and undermined due process guarantees.

Score Change: The score improved from 1 to 2 because the number of victims of homicides and use of lethal force by law enforcement officers has dropped significantly in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Men and women are granted equal rights under the law, but women are often subject to discrimination. Indigenous people disproportionately face poverty, unemployment, and labor discrimination. Certain other populations, particularly internally displaced persons

and LGBT+ people, also have inadequate access to the justice system. Discrimination on the basis of sexual orientation is prevalent, and LGBT+ people are often the targets of hate crimes and violence, including by state security agents.

The government restricted the rights of asylum seekers by signing an agreement with the United States in September 2019, whereby El Salvador would accept asylum seekers trying to reach the United States and stop them from traveling north. Human rights groups objected, warning that the country was unsafe, but the two governments reportedly finalized the agreement in December 2020.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4 (+1)

Freedom of travel within El Salvador is complicated by gang activity. People living in the turf of one gang may suffer threats or violence when entering the turf of another gang, making it dangerous to travel, work, and attend school, especially for young men. Internal displacement due to gang-related crime and violence is commonplace.

Severe and lengthy restrictions on movement under the aegis of the COVID-19 pandemic were in place from March to August 2020.

Score Change: The score improved from 1 to 2 because disproportionate pandemic-related restrictions on movement were not reimposed.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The rights to property and to start and run a business enjoy legal and regulatory protections. Businesses and citizens are regularly subject to extortion, chiefly by gangs.

Indigenous people face difficulties in securing land rights and accessing credit. Most Indigenous Salvadorans live on communal land or in rented accommodations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Men and women have equal legal rights on matters such as marriage and divorce, and there are few formal restrictions on such decisions. However, same-sex marriage and adoption remain illegal in El Salvador. The rights of transgender people were slightly expanded in January 2019, when a judge in the southern city of Zacatecoluca ruled in favor of a transgender woman who sought to update her name and gender on government-issued identification documents.

Abortion is punishable by imprisonment, including in cases where the pregnant person's life is at risk. Some women have been jailed despite credible claims that their pregnancies ended due to miscarriage.

The prevalence of adolescent pregnancy is a serious problem, accounting for approximately a third of all pregnancies, and many are the result of sexual assault. Female students with children often leave school, sometimes under pressure from their principals. Gender-based violence, including domestic violence, sexual violence, and femicide, is also common. An April 2019 report by the Organization of Salvadoran Women for Peace (OR-MUSA) indicated that the majority of sexual-assault survivors were girls between the ages of 12 and 17. El Salvador has one of Latin America's highest femicide rates.

There have been several reported incidents in recent years of femicide-suicide, in which women and girls die by suicide as a result of abuse. El Salvador remains one of the only

countries in the world where this is considered a crime, and the first conviction was handed down in March 2019.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

El Salvador remains a source, transit, and destination country for the trafficking of women, children, and LGBT+ people. There are instances of forced labor in the construction and informal sectors. According to the 2021 edition of the US State Department's *Trafficking in Persons Report*, there has been a significant increase in prosecutions of traffickers, and 2019 legislation granted temporary residency rights to trafficking survivors. However, shelter and public services for survivors remain insufficient.

Children are vulnerable to economic exploitation, and child labor is a serious problem. Children perform dangerous jobs in agriculture and are recruited by gangs and other criminal elements to carry out illegal activities.

Equatorial Guinea

Population: 1,400,000

Capital: Malabo

Freedom Status: Not Free

Electoral Democracy: No

Overview: Equatorial Guinea holds regular elections, but the voting is neither free nor fair. The current president, who took power in a military coup that deposed his uncle, has led a highly repressive authoritarian regime since 1979. Oil wealth and political power are concentrated in the hands of the president's family. The government frequently detains the few opposition politicians in the country, cracks down on civil society groups, and censors journalists. The judiciary is under presidential control, and security forces engage in torture and other violence with impunity.

KEY DEVELOPMENTS IN 2021

- In November, authorities raided several cities, arresting hundreds of foreign nationals particularly from other African countries with or without documentation or a residence permit. Some were expelled from the country without a court procedure.
- In March, an explosion in the city of Bata killed more than 100 people. The trial to prosecute the suspects, held in July, was handled by a military court without respect for due process rights, which failed to compensate the victims and their families.

POLITICAL RIGHTS: 0 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

President Teodoro Obiang Nguema Mbasogo, Africa's longest-serving head of state, has held power since 1979. He was awarded a new seven-year term in the 2016 presidential election, ostensibly winning 93.5 percent of the vote in an unfair contest. The main opposition party at the time, Convergence for Social Democracy (CPDS), boycotted the election, and other factions faced police violence, detentions, and torture. One opposition

figure who had been barred from running for president, Gabriel Nsé Obiang Obono, was put under house arrest during the election, and police used live ammunition against supporters gathered at his home.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The bicameral parliament consists of a 70-seat Senate and a 100-seat Chamber of Deputies, with members of both chambers serving five-year terms. Fifteen senators are appointed by the president, 55 are directly elected, and there can be several additional ex officio members. The Chamber of Deputies is directly elected.

In the 2017 legislative elections, the ruling Democratic Party of Equatorial Guinea (PDGE) and its allied parties won 99 seats in the lower house, all 55 of the elected seats in the Senate, and control of all municipal councils. The opposition Citizens for Innovation (CI), led by Nsé Obiang, took a single seat in the Chamber of Deputies and a seat on the capital city's council. CI was later banned, and the seat in parliament remained unfilled in 2021. The preelection media environment was tightly controlled, and a wave of arrests of CI supporters began when police dispersed an opposition rally ahead of the vote. Among other irregularities on election day, a ban on private vehicles prevented many voters from reaching distant polling stations, and polls closed one hour earlier than scheduled.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Equatorial Guinea does not have an independent electoral body; the head of the National Election Commission during the 2017 elections was also the country's interior minister and a member of the ruling PDGE. Elections are not fairly managed in practice.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The PDGE is the dominant party, operating in conjunction with a number of subordinate parties in its coalition. The opposition CI was officially banned as a political party in 2018, and its members face imprisonment and regular threats of imprisonment by the state.

Opposition leaders and members are subject to arrest, detention, and trial. Two members of the Coalition for the Restoration of Democracy (CORED), who were seized in Togo, and dissident members of the ruling PDGE were among a group of 130 defendants tried in 2019 for their alleged involvement in a 2017 coup attempt. Opposition leaders included in the prosecution and living in exile were tried in absentia. The court ultimately convicted 112 people and imposed harsh prison terms.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Equatorial Guinea has never experienced a peaceful transfer of power through elections. President Obiang appointed his son, Teodoro "Teodorín" Nguema Obiang Mangué, as vice president in 2016, paving the way for a dynastic succession.

Jesús Mitogo Oyono, CI's only lower house member, was not allowed to return to his seat after he was imprisoned on charges of sedition in 2018, even though he was pardoned and released later that year. He sought asylum in the United States in May 2020.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The regime routinely uses the security forces to attack and intimidate opposition supporters, and political loyalty to the ruling party is treated as a condition for obtaining and keeping public-sector employment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The ethnic Fang majority dominates political life, leaving minority ethnic groups with little influence; power is concentrated in the hands of the president's family and allies from their region of origin. Women formally enjoy equal political rights, but hold few government positions, 23 percent of the seats in the Chamber of Deputies, and 17 percent of the seats in the Senate. They have little opportunity to independently advocate for their interests or organize politically. While no law explicitly prevents LGBT+ individuals from exercising their political rights, societal discrimination discourages them from participating openly and advocating for their welfare.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The executive branch—headed by the president, who is not freely elected—sets and implements government policy, leaving the legislature no meaningful role in the policy-making process.

In August 2020, the president accepted the resignation of the prime minister and cabinet after criticizing them for mismanaging the economy and other shortcomings. However, most of the ministers were reappointed days later, including Prime Minister Francisco Pascual Obama Asue, who had held his post since 2016.

C2. Are safeguards against official corruption strong and effective? 0 / 4

There are no independent anticorruption mechanisms, and the government is marred by nepotism and graft. Hiring and promotions within the government, army, and civil service favor those with ties to the president and his family. Though the government has taken some steps to address corruption—ratifying the UN Convention against Corruption in 2018 and the African Union's (AU) Convention on Preventing and Combating Corruption in 2019—the efforts have largely been superficial. Analysts believe the Senate's approval of a new anticorruption law in May 2021 is unlikely to have any effect.

One of the president's sons, Gabriel Mbega Obiang Lima, is the Minister of Mines and Hydrocarbons, granting him sweeping control over the country's natural resources and chief source of revenue. In January 2021, an unknown individual with knowledge of Obiang Lima's wrongdoing filed a corruption complaint in a Portuguese court against him. Vice President Teodorin has been the focus of money-laundering investigations in multiple countries. In July 2021, a French court upheld his conviction on money-laundering charges and embezzlement, and approved the seizure of his assets in France, including a luxurious building in Paris, which the government of Equatorial Guinea claimed was used for diplomatic purposes.

C3. Does the government operate with openness and transparency? 0 / 4

The government's budget process and procurement system are opaque, as are the finances of state-owned companies. A significant percentage of revenue from the country's oil

reserves are funneled to Obiang's allies through noncompetitive, nontransparent construction contracts, often for projects of questionable value. International financial organizations and human rights groups have criticized the government for pouring resources into wasteful infrastructure initiatives while neglecting health and social spending.

In 2020, authorities repeatedly attempted to suppress information about the COVID-19 pandemic and the government's response. In May, the government forced the World Health Organization (WHO) to withdraw its representative from the country, accusing her of inflating the case count. The move disrupted the reporting of case numbers for several weeks.

In September 2021, the International Monetary Fund requested a full audit of government contracts as part of an emergency loan to support the country's recovery from the coronavirus pandemic and the explosion in Bata.

CIVIL LIBERTIES: 5 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

Press freedom is severely limited, despite constitutional protections. Most journalists consistently exercise self-censorship, and those who do criticize the regime are subject to dismissal and other reprisals. The country's only private television and radio broadcaster, RTV-Asonga, is controlled by Teodorin. The handful of private newspapers and magazines in operation face intense financial and political pressure and are unable to publish regularly. The government has sought to block access to the websites of opposition parties and exile groups since 2013, and online versions of some Spanish newspapers are regularly blocked. The government has obstructed access to the internet in times of political tension.

In April 2020, seven journalists from an Asonga TV talk show were suspended after they aired images of soldiers beating a man who had allegedly violated COVID-19-related restrictions.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution protects religious freedom, though in practice it is sometimes affected by the country's broader political repression and endemic corruption. The Roman Catholic Church is the dominant faith and is exempt from registration and permit requirements that apply to other groups. Government officials have reportedly been required to attend Catholic masses on ceremonial occasions, such as the president's birthday.

In April 2020, the government issued a decree to disband two religious groups on the grounds that they did not comply with COVID-19-related bans on church services and other gatherings. The dissolution decree took effect without due process and included deportation orders for foreign pastors associated with the groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is politically constrained, and self-censorship among faculty is common. Some university professors and teachers have reportedly been hired or dismissed due to their political affiliations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

Freedoms of personal expression and private discussion are restricted. The government uses informants and electronic surveillance to monitor members of the opposition,

nongovernmental organizations (NGOs), and journalists, including the few members of the foreign press in the country. Critics of the government are subject to arbitrary arrest, physical abuse, and trumped-up charges.

In April 2020, a nurse was arrested after expressing concerns to a friend on WhatsApp about the lack of oxygen in a Malabo hospital; the message was shared widely beyond its original recipient. The nurse was released later in the month.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is severely restricted. Opposition gatherings are typically blocked or dispersed by security forces, and citizens are sometimes pressured to attend progovernment events.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

All associations must register with the government through an onerous process, and independent NGOs face state persecution. In 2019, the Center for Studies and Initiatives for the Development of Equatorial Guinea (CEID-GE) was dissolved by government decree just a few months after its leader was placed under house arrest to prevent him from receiving a human rights award at a ceremony hosted by the French and German embassies.

Two activists who had been arrested in separate cases in 2019, Joaquín Eló Ayeto and Luis Nzó, were released in February and March 2020, reportedly without explanation. In May 2020, however, a group of soldiers stormed Eló Ayeto's house.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

The constitution provides for the right to organize unions, but there are many legal and practical barriers to union formation, collective bargaining, and strikes. The government has refused to register several trade unions; a farmers' organization is the only legal union.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is not independent, and judges in sensitive cases often consult with the office of the president before issuing important rulings. Under the constitution, the president is the nation's first magistrate. He also oversees the body that appoints judges. The court system's impartiality is further undermined by corruption. Judges are regularly accused of taking bribes.

In January 2020, Antonio Ondo Abaga Maye, a judge in Malabo, was arrested without a warrant on orders from the government, apparently because he had released two individuals in an investigation under his purview. He was allegedly tortured while in detention.

In February 2020, security forces surrounded the home of former Supreme Court president Juan Carlos Ondó Angué, who had been dismissed in 2018 after supporting a colleague who resisted a government-backed corruption scheme and later died in detention. The arrival of Spanish, French, and US diplomats reportedly prevented Ondó Angué's arrest; he was accused of involvement in the alleged 2017 coup attempt. He is currently living in exile.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Security forces routinely detain people without charge. In 2019, as the trial against alleged participants in the 2017 coup attempt was underway, President Obiang unilaterally appointed new magistrates and prosecutors by decree. The court convicted 112 of the

defendants despite these failings, with some receiving 97-year prison sentences, and the verdicts were upheld on appeal in November 2020.

Military courts, which are empowered to try civilians for certain crimes, have even fewer due process protections than civilian courts and lack an avenue for appeal. In March 2020, a military court convicted 10 people suspected of links to the opposition Movement for the Liberation of Equatorial Guinea 3rd Republic (MLGE3R) after a closed-door trial held in a prison facility. They were found guilty of treason, espionage, and verbal abuse and insult of the head of state, receiving sentences of up to 90 years in prison.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Beatings and torture by security forces are reportedly common. Defendants who were tried in 2019 for alleged involvement in the 2017 coup attempt claimed that they were tortured to extract confessions. Two of the defendants died in custody. Prisons are overcrowded and feature harsh conditions, including physical abuse, poor sanitation, and denial of medical care.

In March 2021, an explosion killed more than 100 people in the city of Bata. The trial to prosecute the suspects, held in July, was handled by a military court without respect for due process rights, which failed to compensate the victims and their families.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women face discrimination in employment and other matters, particularly in rural areas. Ethnic minority groups such as the Bubi, Ndowe, and Annobonese suffer persistent societal discrimination in the form of harassment from law enforcement officials or difficulties accessing public services.

Immigrants, including irregular migrants, are subject to raids, physical abuse, and extortion by police. Same-sex sexual activity is not illegal, but LGBT+ people face social stigma and mistreatment including street harassment and discrimination in the workplace.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement is protected by law but restricted in practice through measures such as police checkpoints, which often require the payment of bribes. Authorities have denied opposition members and other dissidents' return from abroad or restricted their movements within the country.

Amid the travel restrictions imposed in response to the COVID-19 pandemic in 2020, individuals with dual nationality who were trying to return to their countries of residency abroad were pressured to give up their Equatoguinean nationality at the airport.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Pervasive corruption and onerous bureaucratic procedures serve as major impediments to private business activity. Property rights are inconsistently respected by the government. Members of the Bubi minority have reported cases of land grabs by elites and the government in recent years.

Most women face disadvantages regarding inheritance and property rights under both the civil code and customary practices, though women enjoy greater customary rights among the Bubi.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

The civil code and customary law put women at a disadvantage with respect to personal status matters like marriage and child custody, with some exceptions among the Bubi. Laws against rape and domestic violence are not enforced effectively. The government does little to collect data, raise awareness, or support civil society efforts to combat such problems, which include sexual violence against minors and LGBT+ people. Child marriage is common, with the UN Children's Fund estimating that 30 percent of Equatoguinean women between the ages of 20 and 24 were married before age 18. The Education Ministry requires female students to take pregnancy tests and bars pregnant girls from attending school.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The country's oil wealth is concentrated among the ruling elite, leaving much of the population without access to basic services. Equatorial Guinea continues to score poorly on social and economic development indicators, and economic conditions have worsened amid low oil prices in recent years.

Foreign workers in the oil and construction industries and a variety of other sectors are subject to passport confiscation and forced labor. In November 2021, authorities sent security forces to raid several cities, arresting hundreds of foreign nationals particularly from other African countries with or without documentation or a residence permit. Some were expelled from the country without a court procedure, as provided by law. Corrupt officials are often complicit in human trafficking, according to the US State Department.

Eritrea

Population: 3,600,000

Capital: Asmara

Freedom Status: Not Free

Electoral Democracy: No

Overview: Eritrea is a militarized authoritarian state that has not held a national election since independence from Ethiopia in 1993. The People's Front for Democracy and Justice (PFDJ), headed by President Isaias Afwerki, is the sole political party. Arbitrary detention is commonplace, and citizens are required to perform national service, often for their entire working lives. The government shut down all independent media in 2001.

KEY DEVELOPMENTS IN 2021

- Eritrean forces continued to support the Ethiopian government's military campaign against the Tigrayan People's Liberation Front (TPLF), though they reportedly left three towns in the Tigray region in June. Eritrean forces were accused of committing human rights abuses during their deployment in Ethiopia, including the forcible repatriation of Eritrean refugees, killings, and rape.
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- In January and February, 70 Evangelical and Orthodox Christians and 4 Jehovah's Witnesses were released from custody.
- Asmara otherwise maintained its limits on religious activity during the year. In March, 35 people were arrested while attending two prayer meetings. In May, the government interfered in the recognized Eritrean Orthodox Church (EOC) by installing a new patriarch.

POLITICAL RIGHTS: 1 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

Following Eritrea's formal independence from Ethiopia in 1993, an unelected Transitional National Assembly chose Isaias Afwerki to serve as president until elections could be held under a new constitution. He has remained in office since then, without ever obtaining a mandate from voters.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

A constitution ratified in 1997 but never instituted calls for an elected 150-seat National Assembly, which would choose the president from among its members by a majority vote. National elections have been postponed indefinitely, and the transitional assembly has not met since 2002. National elections have never been conducted. Periodic local and regional assembly elections are carefully orchestrated by the PFDJ and offer no meaningful choice to voters.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The 1997 constitution calls for an electoral commission whose head is appointed by the president and confirmed by the National Assembly, but it has never been established. Electoral laws have not been finalized.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

The PFDJ is the only legally recognized political party in Eritrea. Alternative groups must operate from abroad among the diaspora. Groups were hosted in Ethiopia in the past, but its government ordered many of them to cease operations after the two countries sought rapprochement in 2018.

The Eritrean government holds prominent dissidents and family members in detention; a group of 11 has reportedly been held incommunicado since 2001. In September 2021, Amnesty International noted that nine may have died in detention. In addition, Ciham Ali Abdu, the daughter of former information minister Ali Abdu Ahmed, was detained in 2012 when she tried to flee to Sudan. Former finance minister Berhane Abrehe, meanwhile, was detained in 2018. Ciham and Berhane remain in custody.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

President Isaias and the PFDJ have been in power without interruption since independence. Since multiparty elections have never been allowed, opposition groups have had no opportunity to compete or enter government.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Eritrean society is dominated by the military, with most citizens required to perform open-ended military or other national service. The authorities' intolerance of dissent and the absence of elections or opposition parties leaves individuals with no political options other than loyalty to the PFDJ, imprisonment, or illegal emigration.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Women and various ethnic groups are nominally represented within the PFDJ but have no practical ability to organize independently or advocate for their interests through the political system.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Power is concentrated in the hands of the unelected president, who reportedly determines policy with the help of an informal circle of advisers, leaving the cabinet and security officials to merely carry out his decisions. In 2016, the United Nations Human Rights Council (UNHRC) noted that military personnel were overrepresented among the president's closest associates.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Petty bribery and influence peddling are thought to be endemic, and larger-scale corruption is a problem among some party officials and military leaders. The government's control over foreign exchange effectively gives it sole authority over imports. Those in the regime's favor profit from the smuggling and sale of scarce goods such as food, building materials, and alcohol. Senior military officials have allegedly profited from smuggling Eritreans out of the country. There are no independent agencies or mechanisms in place to prevent or punish corruption. Special anticorruption courts overseen by the military nominally exist but are mostly inactive.

C3. Does the government operate with openness and transparency? 0 / 4

The government operates without public scrutiny. Basic data about the state budget and its appropriations are not publicly disclosed, and officials are not required to disclose their assets.

CIVIL LIBERTIES: 2 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 1 / 16 (+1)

D1. Are there free and independent media? 0 / 4

The government shut down all independent media outlets in 2001. Several outlets provide coverage to Eritreans from outside the country, including the British Broadcasting Corporation (BBC), Paris-based Radio Erena, and satellite station Asena TV. According to the Committee to Protect Journalists (CPJ), 16 journalists remain imprisoned for their work in Eritrea.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4 (+1)

The government places strict limits on the exercise of religion. Eritrea officially recognizes only four faiths: Sunni Islam, Orthodox Christianity, Roman Catholicism, and Evangelical Lutheranism. Religious practice is prohibited among members of the military.

Asmara interferes in the practice of recognized faiths. The EOC's patriarch, Abune Antonios, was deposed in 2006 and expelled from the EOC for "heresy" in 2019. Abune has remained under house arrest. In May 2021, Asmara announced the election of Abune Qerlos as patriarch.

Followers of other denominations are subject to arrest, imprisonment, and the loss of property. Jehovah's Witnesses face severe persecution, including detention and denial of citizenship.

The government released several groups of religious prisoners in 2020 and continued to do so in 2021. Authorities released 70 Evangelical and Orthodox Christians and 4 Jehovah's Witnesses in the first two months of the year according to the UN's special rapporteur on human rights in Eritrea. However, authorities arrested 35 religious followers at two prayer meetings in March.

Score Change: The score improved from 0 to 1 because the government continued to release religious prisoners of conscience, including Evangelical and Orthodox Christians and Jehovah's Witnesses.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is greatly constrained. Students in their last year of secondary school must perform military service at the Sawa military training center. In 2019, Human Rights Watch (HRW) reported that widespread physical and sexual abuse took place at Sawa. Former students say they were given insufficient food and were forced to perform manual labor.

From 2017 to 2019, the government took steps to nationalize an Islamic school in Asmara along with seven other schools operated by religious organizations, though no subsequent actions have been reported.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

Freedoms of expression and private discussion are severely inhibited by fear of government informants and the likelihood of arrest and arbitrary detention for any airing of dissent. The authorities regularly block access to social media platforms and shutter internet cafés.

Members of the Eritrean diaspora are, by comparison, better able to express dissent online. Activists have used internet platforms and protests to oppose the government and raise awareness of government abuses. However, members of the diaspora are also subject to government surveillance and harassment.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly is not recognized by the authorities. Public gatherings of more than seven people require a permit. Those who protest face the threat of deadly force at the hands of state security officers or arbitrary detention.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The law requires all nongovernmental organizations (NGOs) to undergo an onerous and arbitrary annual registration process and limits their activities to providing humanitarian relief. In reality, there are no independent NGOs based in Eritrea. The government continues to deny permission for external human rights organizations to enter the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

While the Eritrean government has ratified the International Labour Organization's eight fundamental conventions, no independent trade unions function in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the PFDJ. According to reports to the UNHRC, the government has prevented new unions from being formed.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary has no independence from the executive branch. The Supreme Court called for in the constitution has never been established, nor has a Judicial Commission tasked with appointing judges. The president controls the appointment and dismissal of all judges; even nominally elected judges in local community courts are controlled by the Justice Ministry, according to UN investigators. Many judges are military officers.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Basic principles of due process are systematically violated. Arbitrary arrests and detentions are common; targets include those who evade military service, try to flee the country, or are suspected of practicing an unauthorized religion. Eritreans who offend high-ranking government or party officials are also reportedly subject to arbitrary arrest.

Prisoners, including children, former members of the government, and their family members, are routinely held incommunicado for indefinite periods without charge or trial, with the authorities refusing even to inform family members whether they are still alive. There is no operational system of public defense lawyers. Thousands of political prisoners and prisoners of conscience remain imprisoned.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

UN investigators have described the routine and systematic use of physical and psychological torture in both civilian and military detention centers. Deaths in custody or in military service due to torture and other harsh conditions have been reported, though authorities do not investigate such incidents. Security forces employ lethal violence arbitrarily and with impunity. Individuals attempting to escape military service or flee the country have been fired on by soldiers.

Eritrean forces continued to operate in Ethiopia in support of Addis Ababa's military campaign against the TPLF during the year. In March 2021, Human Rights Concern-Eritrea reported that boys were being pressed into military service and sent to the Tigray region of Ethiopia. Asmara reportedly committed to withdrawing from Tigray in March, with Eritrean forces leaving three Tigrayan towns in June.

Eritrean forces engaged in violence against civilians during their deployment. In August 2021, Amnesty International reported that Eritrean forces and an Eritrean militia group

engaged in rape in Tigray. In September, HRW reported that Eritrean forces killed and forcibly repatriated Eritrean refugees while deployed in Tigray.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

There are allegations that two of Eritrea's nine recognized ethnic groups, the Kunama and Afar, face severe discrimination, including exclusion from the government's poverty alleviation programs.

Laws mandate equal educational opportunity for women and equal pay for equal work. However, traditional societal discrimination against women persists in the countryside, and the deeply flawed legal system does not effectively uphold their formal rights.

Same-sex relations are criminalized, and LGBT+ people enjoy no legal protections from societal discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Freedom of movement is heavily restricted. Eritreans young enough for national service are rarely given permission to go abroad, and those who try to travel outside the country without obtaining an exit visa face imprisonment. Individuals also require permits to travel within the country. Eritrean refugees and asylum seekers who are repatriated from other countries are subject to detention under harsh conditions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The national conscription system denies much of the working-age population the opportunity to establish and run their own businesses. Both the authorities and private actors with the regime's support can confiscate property and evict occupants without due process.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Men and women have equal rights under laws governing marriage, nationality, and other personal status matters. However, girls in rural areas remain vulnerable to early or forced marriage. Rape of women and sexualized forms of violence against men are common in detention and in military service. Sexual assault of female conscripts is endemic and has not been thoroughly investigated by the authorities.

The government has banned the practice of female genital mutilation (FGM). In 2020, the government formed a steering committee and adopted a national action plan to halt FGM and other forms of gender-based violence. FGM remains widespread in rural areas, though awareness campaigns have contributed to a decline in the practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Eritrea's conscription system ties most able-bodied men and women—including those under 18 who are completing secondary school—to obligatory military service, which can also entail compulsory, unpaid labor for enterprises controlled by the political elite. National service is supposed to last 18 months but is open-ended in practice. UN human rights experts have described this system as enslavement.

Estonia

Population: 1,300,000

Capital: Tallinn

Freedom Status: Free

Electoral Democracy: Yes

Overview: Estonia's democratic institutions are generally strong, and both political rights and civil liberties are widely respected. However, more than 5 percent of the population remains stateless and cannot participate in national elections. Corruption is a persistent challenge, as is discrimination against ethnic Russians, Roma, LGBT+ people, and others. Far-right and Euroskeptic forces have become increasingly vocal in Estonian politics in recent years.

KEY DEVELOPMENTS IN 2021

- In response to the Center Party's alleged involvement in a high-profile corruption scandal, then prime minister Jüri Ratas resigned in January, leading to the collapse of his governing coalition. A new governing coalition, comprising the Center Party and the Reform Party, was formed later that month under the leadership of Reform Party leader Kaja Kallas, who became Estonia's first woman prime minister.
- In August, the parliament elected Alar Karis to the presidency. Karis was elected in the second round of voting, and took office after winning the support of all parliamentary parties except the far-right Conservative People's Party of Estonia (EKRE).
- A corruption scandal, known as the Porto Franco case, was publicly revealed in January. The case saw Center Party officials accused of agreeing to provide real estate developer Hillar Teder with access to high-profile development sites in Tallinn in return for a donation of €1 million (roughly \$1.01 million) to the party; official investigations into the scandal were ongoing at year's end.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister, who serves as head of government, is nominated by the president and approved by the parliament. Following the 2019 parliamentary elections, then prime minister Jüri Ratas of the Center Party was reappointed for a second term as the head of a coalition government comprising the centrist-populist Center Party, the far-right EKRE, and the conservative Isamaa party.

The governing coalition collapsed in January 2021, when Ratas resigned after several leading officials in his Center Party were implicated in a high-level corruption investigation; Ratas denied any wrongdoing. A new governing coalition, comprising the Center Party and the Reform Party, was formed later that month under the leadership of Reform Party leader Kaja Kallas, who became Estonia's first woman prime minister.

The president is elected by the parliament to a five-year term, filling a largely ceremonial role as head of state. In August 2021, Alar Karis was elected as a nonpartisan consensus candidate in a second round of voting, winning the support of all parliamentary parties except the EKRE.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution establishes a 101-seat, unicameral parliament, called the Riigikogu, whose members are elected for four-year terms using proportional representation in multi-member constituencies.

The March 2019 parliamentary elections met democratic standards. Like in previous elections in 2015, the voter turnout was about 64 percent. Five parties cleared the 5 percent vote threshold for representation, with the main opposition center-right Reform Party capturing a plurality with 34 seats. Electoral support for EKRE more than doubled, which translated into 19 seats. The incumbent Center Party won 26 seats, down one. The number of seats won by Isamaa and the left-wing Social Democratic Party (SDE) dropped to 12 and 10, respectively.

Local elections were held in October 2021 and saw a voter turnout of 54.7 percent, with 47 percent of all votes cast online.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework for conducting elections is clear and fairly administered. Online voting is common and has gained in popularity. The 2019 parliamentary and 2021 local elections featured record turnout online demonstrating strong public confidence in the system.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Estonia's political parties organize and operate freely, and the political landscape remains open and competitive.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has undergone multiple democratic transfers of power between rival parties following elections over the past three decades, and opposition parties have a strong presence in the parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally not subject to undue interference. However, there have been increasing concerns about the influence of online disinformation in recent years, particularly during election campaigns and about the COVID-19 pandemic.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

More than 5 percent of the country's population—mostly ethnic Russians—remain stateless and cannot participate in national elections. Resident noncitizens are permitted to vote in local and European Parliament elections but may not run as candidates or join political parties. The authorities have adopted policies to assist those seeking naturalization.

Political representation of women is gradually increasing. Former president Kersti Kaljulaid became the first woman in the country's history to hold her office when she was

elected in 2016. Moreover, a record total of 29 women were elected to the 101-seat Riigikogu in 2019. After taking office in 2021, Prime Minister Kallas—the first woman to hold her post—appointed an almost equally gender-balanced cabinet.

The inclusion of the far-right EKRE in the governing coalition between 2019–21 raised political equality concerns among domestic and international observers due to the party's history of racist, sexist, anti-LGBT+, and White nationalist sentiments. The party returned to the opposition after former prime minister Ratas resigned in January 2021, but remained popular, taking 13.2 percent of all votes cast in the October local elections. Pushed back into the opposition, EKRE became the most popular party at the end of the year.

C. FUNCTIONING OF GOVERNMENT 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Both the government and the parliament are freely elected and function without interference from external or nonstate actors.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The legal framework and independent law enforcement institutions provide important checks on corruption, and cases against high-profile defendants have been brought to court in recent years, though the results have been mixed. A trial that began in 2017 focused on Edgar Savisaar—former leader of the Center Party and Tallinn city mayor—and a number of codefendants who were accused of bribery, money laundering, and embezzlement. Savisaar was excused from the trial due to poor health in 2018, and defendants including the Center Party itself were punished with fines. A November 2020 Supreme Court ruling rejected appeals lodged by several government officials and businessmen who had been convicted for their roles in the case.

Another corruption scandal involving the Center Party emerged in January 2021, when it was revealed that party officials had allegedly agreed to provide real estate developer Hillar Teder with access to high-profile development sites in Tallinn, including the Porto Franco property, in return for a donation of €1 million (roughly \$1.01 million) from Teder's son, Rauno Teder, to the party. The Center Party's involvement in the so-called Porto Franco scandal led to the resignation of then prime minister Jüri Ratas and the collapse of his Center Party–led governing coalition later that month. Official investigations into the scandal—including into Hillar Teder, who spent nearly two months in prison in connection with the case in early 2021—were ongoing at year's end.

In another high-profile case, Center Party politician and former Minister of Education and Research Mailis Reps was charged with fraud and embezzlement of ministry funds in November 2021. Reps stepped down as education minister in November 2020 and was stripped of parliamentary immunity in October 2021. The case was ongoing at year's end.

There are no comprehensive rules for the protection of whistleblowers, and lobbying is not sufficiently regulated.

C3. Does the government operate with openness and transparency? 4 / 4

Estonia is known for its high degree of government transparency and well-developed e-governance services.

Public access to government information and the asset declarations of officials is provided for both in law and in practice. Estonia stands out as one of the EU's top performers in ensuring a transparent and effective public procurement system.

CIVIL LIBERTIES: 56 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

The government generally respects freedom of the press. However, judges have increasingly used the criminal procedure code to restrict media coverage in various cases of public interest, particularly those concerning corruption. Public and private television and radio stations broadcast freely, and there are a number of independent newspapers.

In recent years, EKRE leaders have verbally attacked journalists, raising concerns about self-censorship, and observers have noted a trend toward ownership concentration, especially at the regional level. Economic dislocation associated with the COVID-19 pandemic led to sharp declines in advertising revenue in 2020, which could exacerbate the media's vulnerability to editorial pressure.

The prevalence of antigovernment disinformation campaigns disseminated by pro-Kremlin Russian-language media outlets has reportedly increased in recent years, sparking concern among observers. However, Estonia's public Russian-language television station, ETV+, which offers an alternative to Russian-language stations that are based outside of Estonia, steadily increased its ratings during 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is respected in law and in practice. In 2020 and 2021, public gatherings, including religious services, were periodically restricted to contain the spread of the COVID-19.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected. However, by law, public Russian-language high schools must teach 60 percent of their curriculum in the Estonian language.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on the freedoms of personal expression and private discussion.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution guarantees freedom of assembly, and the government upholds this right in practice. Gatherings were temporarily restricted during 2020 and 2021 in response to the COVID-19 pandemic. Several large demonstrations were held during 2021, including numerous protests against COVID-19-related lockdown measures and vaccination mandates.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

The government upholds freedom of association and does not restrict or control the activities of nongovernmental organizations (NGOs).

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law recognizes workers' rights to organize, strike, and bargain collectively, although public servants at the municipal and state levels may not strike. While these rights

are largely upheld in practice, union membership is low, and employers in some sectors have resisted bargaining efforts.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent and generally free from government or other interference.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Legal processes in civil and criminal matters are generally free and fair. Laws prohibiting arbitrary arrest and detention and ensuring the right to a fair trial are largely observed. A July 2021 European Commission report noted that the judicial system continued to operate “without notable disruption” during the COVID-19 pandemic, attributed largely to the system’s “advanced level of digitalization.”

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While Estonians generally enjoy physical security, the country’s steadily declining intentional homicide rate remains one of the highest in the EU. There have been reports of law enforcement officials using excessive force when arresting suspects. Some inmates reportedly have inadequate access to health care. Estonia has a relatively high incarceration rate, with about 184 people per 100,000 residents in prisons as of 2020.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution and laws provide broad safeguards against discrimination based on race, gender, language, sexual orientation, and other such categories. However, Russian-speaking residents continue to face societal discrimination, and some statutes lack robust protections against such bias. Gender discrimination is also a problem, particularly in employment, and the gender pay gap is among the highest in the EU, though it has decreased in recent years. Roma face employment discrimination and disparities in educational outcomes.

The rhetoric and ideological beliefs of many active EKRE members have increased the prevalence of hostile and extremist views toward the Jewish community, LGBT+ people, and Muslims, as well as other marginalized groups. In 2020, the European Commission began infringement proceedings against Estonia for failing to match EU regulations for prosecuting hate crimes and criminalizing hate speech in domestic laws; legislation resolving the discrepancies had not been passed as of the end of 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Citizens and residents enjoy free movement inside Estonia, and there are no significant restrictions on international travel. Movement restrictions imposed during 2020–21 in response to the COVID-19 pandemic were generally regarded as proportionate to the health threat. Most COVID-19-related movement restrictions were lifted by June 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal and regulatory framework is generally supportive of property rights and entrepreneurship, and residents can freely engage in private business activity in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While individual freedom on personal status issues such as marriage and divorce is generally upheld, same-sex marriage is not recognized. At the end of 2021, the parliament had yet to adopt necessary amendments for the implementation of a 2014 law permitting same-sex civil unions. In September 2021, the Supreme Court ruled that—like for opposite-sex partners—constitutional protections against state interference in family life apply to same-sex couples that live together. Gender-based violence (GBV), including domestic violence, remains a serious problem.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

There are legal safeguards against exploitative working conditions, and they are generally enforced in practice. The government makes serious and sustained efforts to prosecute those responsible for human trafficking and provide services to victims, though it has encountered difficulties in adequately punishing convicted traffickers and identifying victims, according to the US State Department.

Estonia's unemployment rate, which had reached 8.7 percent by the end of March 2021 due to the effects of the COVID-19 pandemic, fell to 5.2 percent by year's end. Nearly a quarter of the population remains at risk of poverty or social exclusion.

Eswatini

Population: 1,100,000

Capital: Mbabane (administrative), Lobamba (legislative, royal)

Freedom Status: Not Free

Electoral Democracy: No

Overview: Eswatini (known internationally as Swaziland until 2018) is a monarchy currently ruled by King Mswati III. The king exercises ultimate authority over all branches of the national government and effectively controls local governance through his influence over traditional chiefs. Political dissent and civic and labor activism are subject to harsh punishment under sedition and other laws. Additional human rights problems include impunity for security forces and discrimination against women and LGBT+ people.

KEY DEVELOPMENTS IN 2021

- Unprecedented prodemocracy and antigovernment demonstrations began in May and continued across the country throughout the year, despite an October ban on protests. Security forces responded violently to the demonstrations, employing disproportionate force to suppress the protests, which resulted in the deaths of more than 80 people; hundreds were injured, and more than 1,000 people were arrested.
 - In July the Southern African Development Community (SADC), of which Eswatini is a member, initiated a fact-finding mission in response to the “political and security disturbances” in the country. SADC envoys returned in October as the protests continued, and the South African president met with the king to discuss resolutions to the crisis in November; opposition parties supported the involvement of the SADC, but the government denied them meaningful consultation with SADC representatives.
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- The king appointed Cleopas Dlamini as prime minister in July, filling the vacancy left by former prime minister Ambrose Mandvulo Dlamini, who died from COVID-19 in 2020.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The king is the chief executive authority and is empowered to appoint and dismiss the prime minister and members of the cabinet. Mswati III took the throne in 1986, four years after the death of his father, King Sobhuza II.

The prime minister is ostensibly the head of government but has little practical power. Cleopas Siphos Dlamini was appointed prime minister in July 2021, succeeding acting prime minister Themba Masuku, who temporarily held the position after former prime minister Ambrose Mandvulo Dlamini died of COVID-19 in December 2020.

Traditional chiefs govern their respective localities and typically report directly to the king. While some chiefs inherit their positions according to custom, others are appointed through royal interventions, as allowed by the constitution.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 73-member House of Assembly, the lower chamber of the bicameral Parliament, includes 59 members elected by popular vote within the *tinkhundla* system, which allows local chiefs to vet candidates and influence outcomes in practice; the king appoints 10 members. If female representation does not exceed 30 percent of the lower house, an additional four women may be elected by the body; parliamentarians did so in November 2018.

The king appoints 20 members of the 30-seat Senate, the upper chamber, with the remainder selected by the House of Assembly. All members of Parliament serve five-year terms. After the parliamentary elections in September 2018, the king appointed six members of the royal family to the House of Assembly and eight to the Senate. The elections, which were tightly controlled and featured a slate of candidates almost entirely loyal to the king, did not offer voters a genuine choice.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The Elections and Boundaries Commission (EBC) is not considered impartial. It is financially and administratively dependent on the executive, and its members are appointed by the king on the advice of the Judicial Service Commission, whose members are also royal appointees. Details of the results of September 2018 parliamentary elections were only made public in March 2019.

Traditional chiefs also play an important role in elections, as candidates effectively need their approval to run for office.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Election to public office is based on “individual merit,” according to the constitution. There is no legal avenue for parties to register and participate in elections, though some

political associations exist without legal recognition. Over the years, political parties seeking legal recognition have suffered court defeats, including a Supreme Court ruling in 2018 rejecting a challenge by the Swazi Democratic Party (SWADEPA) to the ban on political parties competing in elections.

A number of prodemocracy organizations and trade unions have continued to lobby for political reforms and have publicly challenged Mswati's grip on power, even given the serious risks involved. The government has used increasingly repressive tactics to stifle rising prodemocracy activism in recent years; those calling for political reform often face arbitrary arrest, harassment, and assault at the hands of security forces, who regularly use excessive force. In December 2019, the police raided the homes of prominent opposition leaders, arresting and briefly detaining several individuals. Although the police denied targeting prodemocracy activists, the arrests indicated the authorities' intolerance of political reform efforts. In July 2021, two prodemocracy members of Parliament, Mduduzi Bacede Mabuza and Mthandeni Dube, were arrested on terrorism charges amid a government crackdown on political dissent following the widespread antigovernment protests that began in May. The parliamentarians remained in detention at year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The king has tight control over the political system in law and in practice, leaving no room for the emergence of an organized opposition with the potential to enter government. The vast majority of candidates who contested the 2018 general elections were supporters of the king. Parliamentarians often self-censor in fear of retaliation.

The king called for Sibaya—a meeting of the nation traditionally held once a year—to be held in July 2021, claiming the meeting would serve as a platform for a national dialogue. Nearly all of Eswatini's political opposition rejected the Sibaya, calling the process one-sided. At the meeting, only Mswati, who openly ridiculed calls for democratic reforms, was given the opportunity to speak. Opposition groups were also excluded from discussions between the government and the SADC delegation sent to Eswatini in July to assess the political situation in the country.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Traditional chiefs, as the king's representatives, wield enormous influence over their subjects. In addition to vetting prospective candidates for office, they have been accused of ordering residents to vote or not vote for certain candidates.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

There are virtually no members of minority groups in the government, as most officials have some connection to the royal family or its broader clan. Women are politically marginalized, with the lower house of Parliament falling well short of a 30 percent gender quota after the 2018 elections. Even after the invocation of the Election of Women Members to the House of Assembly Act, which allowed for the selection of another four female legislators, women only represent 9.6 percent of the House of Assembly. Women hold 40 percent of seats in the Senate, which is not directly elected.

Customary restrictions on widows in mourning—a period that can last from one to three years—effectively bar women from participating in public affairs during that time. LGBT+ people and people with disabilities are also politically marginalized.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The king and his government determine policy and legislation; members of Parliament hold no real power and effectively act as a rubber stamp in approving the king's legislative priorities. Parliament cannot initiate legislation and has little oversight or influence on budgetary matters. The king is also constitutionally empowered to veto any legislation. The absolute authority of the king was demonstrated by his decision to rename the country in 2018 without any constitutional process or parliamentary approval.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is a major problem, and implicated officials generally enjoy impunity. The Anti-Corruption Commission (ACC) is perceived to be ineffective, with civil society groups accusing it of pursuing politically motivated cases and serving the interests of the prime minister. The ACC, which reports to the Justice Ministry, lacks adequate financial and human resources and must consult with the minister on hiring. In 2018, a cabinet committee was established to develop a zero-tolerance policy on corruption in government, but its ability to create an effective anticorruption framework remains unclear. The Tibiyo Taka Ngwane (Wealth of the Nation) investment fund, managed by Mswati, has reportedly been used for the king's personal gain, with PUDEMO accusing him of using it to bolster his personal income as far back as 2011.

C3. Does the government operate with openness and transparency? 0 / 4

Eswatini lacks access-to-information laws, and there is no culture of proactive disclosure of government information. Public requests for information are largely ignored in practice, and the budgeting process lacks transparency. The authorities tightly restrict access to data on spending by the royal family and the security forces. Transparency was further reduced by Parliament's passage of the Public Service Act in 2018, which broadly prevents officials from providing public information to the media unless given express permission by the secretary of the cabinet.

CIVIL LIBERTIES: 16 / 60 (-2)**D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16****D1. Are there free and independent media? 1 / 4**

A variety of laws, including the Sedition and Subversive Activities Act (SSAA) and defamation laws, can be used to restrict media coverage by criminalizing publications that are alleged to be seditious, as well as the use of words that are alleged to be seditious, for example, those that "may excite disaffection" against the king. Journalists often face harassment, assault, and intimidation, and self-censorship is reportedly common. The state broadcaster is tightly controlled by the government, and the *Swazi Observer*, a major newspaper, is effectively owned by the king.

Several journalists faced questioning, detention, or other forms of scrutiny for their reporting or their own political activity during 2020 and 2021. Numerous journalists fled the country in 2020 after being detained and physically assaulted by police for their work. In July 2021, two South African journalists covering the antigovernment protests were arrested and reportedly tortured by Eswatini security forces.

In response to the use of social media to promote the widespread protests that took place throughout the year, the government twice blocked internet access in the country in 2021. In late June, the Eswatini Communications Commission (ESCCOM) ordered communications

providers to impose a countrywide internet shutdown; internet service was not restored until more than a week later. A second internet blackout was briefly imposed in October.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees religious freedom and bars discrimination based on religion. Rules requiring registration of religious organizations are not strictly enforced. However, members of the Muslim minority allege discrimination by officials and Christian residents, and police reportedly monitor mosques. Non-Christian groups are also denied airtime on state broadcasters. Construction of religious buildings must be approved by the government or local chiefs. Christian education is compulsory in public schools, and in 2017, the government banned the teaching of other religions in the public-school curriculum.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is limited by restrictive laws such as the Suppression of Terrorism Act (STA) and the SSAA. Student activists face potential violence, arrest, and suspension.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Constitutional rights to free expression are severely restricted in practice. Security agencies reportedly monitor personal communications, social media, and public gatherings, and criticism of the king or other elements of the regime can be punished under laws such as the SSAA, the STA, and the Public Order Act. Any criticism of Swazi culture and traditions or defacement of national symbols—including the king's image—can draw fines and up to two years in prison.

The government's crackdown on dissent in response to the widespread prodemocracy protests in 2021 led to a further deterioration of free expression within the country. In June, the king issued a decree banning citizens from delivering petitions to the government, though officials denied that the ban was intended to prevent citizens from "raising grievances." Prodemocracy activists faced harassment and arbitrary detentions throughout the year; in July, two prominent prodemocracy parliamentarians, Mduduzi Bacede Mabuza and Mthandeni Dube, were arrested under the STA.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (–1)

E1. Is there freedom of assembly? 0 / 4 (–1)

Freedom of assembly is restricted. Surveillance of protests is common, and the information collected is reportedly used to deny protesters access to government jobs and services. Demonstrations, notably by public workers demanding higher wages, are often violently dispersed by police, and protesters risk arrest and detention. Nevertheless, labor and prodemocracy protests have taken place in spite of these risks. Demonstrations that are not perceived as a direct challenge to the king have been allowed to go forward.

Widespread prodemocracy protests began in May 2021 and continued throughout the year. The protests escalated in June, after Mswati banned citizens from petitioning the government. Security forces attempted to suppress the demonstrations, subjecting numerous peaceful protesters to arbitrary arrests and using indiscriminate force to disperse gatherings, resulting in the deaths of more than 80 people; hundreds more were hospitalized for their injuries. Eswatini authorities further attempted to repress dissent by imposing a nationwide curfew in June, in addition to temporary internet blackouts in June, July, and October; a

curfew remained in place at year's end. Demonstrations continued throughout the year, despite an official ban on protests issued in October.

Score Change: The score declined from 1 to 0 because the authorities responded to demonstrations with lethal force, arrests, curfews, and internet disruptions,²⁶ and because the government eventually banned protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The operation of nongovernmental organizations (NGOs) has been inhibited by broadly written sedition and terrorism laws as well as police monitoring and interference. Organizations that advocate for democracy remain banned.

Despite such restrictions, it appears there is limited tolerance of some forms of human rights-based legal activism. For example, Women and Law Southern Africa–Swaziland was allowed to bring a case on gender equality in divorce settlements, with the court deciding in its favor in 2019. In October 2020, the Southern Africa Litigation Centre was allowed to submit an opinion on a pending cybercrime bill to Parliament.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Eswatini has active, vocal labor unions, but workers' rights are poorly upheld in practice. Although workers in most sectors, with the exception of essential services defined by the labor minister, can join unions, strikes and other labor activism routinely trigger crackdowns and arrests by the police. A number of prodemocracy activists and former trade unions are exiled in South Africa, where they have been accommodated by South Africa's Congress of South African Trade Unions (COSATU)—whose members periodically picket against the Eswatini government on South Africa's border with the country.

F. RULE OF LAW: 4 / 16 (-1)

F1. Is there an independent judiciary? 2 / 4

Although the judiciary displays a degree of independence in some cases, the king holds ultimate authority over the appointment and removal of judges, acting on advice from the Judicial Service Commission made up of royal appointees.

In a rare instance of judicial review that sought to change gender power relations, the High Court of Eswatini in August 2019 ruled in favor of gender equality in civil marriages regarding property rights in the event of divorce.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Safeguards against arbitrary arrest and detention, such as time limits on detention without charge, are not always respected in practice. Detainees are generally granted access to lawyers, though only those facing life imprisonment or capital punishment can obtain counsel at public expense. Lengthy pretrial detention is common.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4 (-1)

Despite the 2018 passage of the Police Service Act, which prescribes disciplinary measures for police officers who use illegitimate force, physical abuse of suspects and inmates by law enforcement officials is an ongoing problem, and investigations into such abuse lack independence and transparency.

The May 2021 death of Thabani Nkomonye, a student allegedly killed by police using excessive force, sparked a series of protests against police brutality that evolved into

widespread antigovernment demonstrations. Security forces responded to the protests with disproportionate force, assaulting protesters and violently dispersing gatherings by shooting live ammunition. At least 200 people were hospitalized and more than 80 were reportedly killed by security forces during the prodemocracy protests. Reports of increased state repression and violence in response to the demonstrations prompted the SADC to send a fact-finding mission to Eswatini, a member country, in July, with the support of Eswatini opposition leaders; SADC representatives returned to the country several times throughout the year as the protests continued. As part of the SADC's involvement, the South African president met with Mswati in November to discuss resolutions to the "political and security situation" in the country.

Some prisons also suffer from overcrowding and other harsh conditions. According to Amnesty International, over 1,000 people were arbitrarily arrested during the 2021 protests, many of whom were reportedly tortured while detained.

Score Change: The score declined from 1 to 0 because the authorities employed excessive force in response to antigovernment protests, including live ammunition and torture.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women's rights remain restricted in law and in practice. Both civil and customary law treat women as dependents of their fathers or husbands, and societal discrimination further impairs their access to education and employment. Residents who are not ethnic Swazis also face de facto discrimination. People with disabilities experience social stigma as well as discrimination in education and employment. In 2018, King Mswati signed the Persons with Disabilities Act, intended to address many of the inequities experienced by disabled residents.

Discrimination against LGBT+ people is not prohibited by law and is widespread in practice. A criminal ban on same-sex sexual activity is not regularly enforced. In October 2020, the High Court considered a challenge from an NGO advocating for LGBT+ rights, Eswatini Sexual and Gender Minorities, to be added to the government's registrar of companies. The court had not ruled on the case before the end of 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The constitution guarantees freedom of movement. However, minority ethnic groups and political activists have faced delays in obtaining passports and other citizenship documents. Traditional chiefs regulate movement and residence within their communities and generally deny access to groups advocating for human rights or democracy. Individuals who violate customary rules can face eviction from their localities. Widows in mourning are barred from approaching chiefs or the king and excluded from certain public places and activities. However, no broad-based policies or practices prevent or punish internal movement generally.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The constitution provides legal protections for property rights, but women generally face limitations under customary rules that subordinate them to male relatives. Widows in particular face displacement by the deceased husband's family. Chiefs have broad authority to allocate and withdraw rights to communal land. However, some progress was made in

2019, when the High Court ruled in favor of gender equality in civil marriages, granting women property rights in the event of divorce.

Individuals sometimes face expropriation due to land claims by state-owned companies and powerful private interests. Constitutional guarantees of fair compensation are not upheld in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women's social freedoms are restricted by both civil and customary law, which puts them at a disadvantage regarding marriage, divorce, and child custody. Customary law allowed girls as young as 13 to marry. Sexual and domestic violence remains extremely common; in March 2020, the UN resident coordinator for Eswatini reported that 48 percent of Swazi women and girls experience sexual violence in their lifetimes. Punishment for perpetrators is often lenient.

The Eswatini government made progress on women's rights in 2019 by amending the 1964 Marriage Act to prohibit marriages of persons under the age of 18 and passing the Sexual Offences and Domestic Violence Act, which criminalizes nonconsensual sex between spouses.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Residents have some access to formal employment and economic opportunity, but the majority of the population lives in poverty. Forced labor remains a problem, with some chiefs compelling Swazis, including children, to work in their communities or the king's fields. Among other forms of child labor, girls are particularly vulnerable to domestic servitude and commercial sexual exploitation. The royal family has extensive privileges compared to ordinary citizens.

Ethiopia

Population: 117,800,000

Capital: Addis Ababa

Freedom Status: Not Free

Electoral Democracy: No

Overview: The appointment of Prime Minister Abiy Ahmed, who came to power after Prime Minister Hailemariam Desalegn resigned in the face of mass protests, set off a transitional period in Ethiopia. Abiy pledged to reform Ethiopia's authoritarian state, and has held elections and implemented some liberalization policies. However, Ethiopia remains beset by political factionalism and intercommunal violence, abuses by security forces and violations of due process are still common, and many restrictive laws remain in force. Since late 2020, fighting between the Federal Government and the Tigray Defense Force (TDF) has led to the displacement of hundreds of thousands and credible allegations of atrocity crimes, and violence has spilled over into neighboring regions.

KEY DEVELOPMENTS IN 2021

- Early in the year, human rights organizations and media outlets began to report allegations of atrocity crimes in Tigray Region. These included alleged massacres

of Tigrayans by Eritrean Defense Forces aligned with the federal government, and sexual violence against civilians. Outside of Tigray, hundreds of civilians were killed in Benishangul Gumuz, Oromia, and Amhara regions, largely on the basis of their ethnicity.

- In June, Ethiopia held much-anticipated elections for 436 of the 547 constituencies of the House of People's Representatives and regional councils. Due to security and logistical challenges, voting was postponed in several parts of the country and indefinitely suspended in Tigray. While there were some improvements under the leadership of an increasingly independent National Electoral Board of Ethiopia (NEBE), a lack of participation by key political groups and intimidation of registered opposition parties and media undermined the credibility of the process and outcomes.
- In June, following the elections and as Tigrayan forces moved quickly to retake control of Mekelle and most parts of the region, the federal government announced a unilateral cease-fire. While accepting the cease-fire in principle, the TDF set out conditions for ending fighting, including the removal of Amhara and Eritrean forces from occupied parts of Tigray, the restoration of the Tigrayan People's Liberation Front (TPLF) regional government, and unfettered humanitarian access. When conditions were not met, the TDF launched attacks in neighboring Amhara and Afar Regions—leading to the mobilization of regular forces and militias in those regions and further expanding the conflict.
- In October the TDF pushed further into Amhara, capturing towns as far south as North Shewa. In response, the federal government announced a nationwide, six-month state of Emergency (SOE), under which thousands of individuals, mostly Tigrayans, were detained under suspicion of supporting armed groups. The federal government retook Afar and Amhara Regions in December but refrained from pursuing the TDF, which retreated to Tigray.

POLITICAL RIGHTS: 12 / 40 (+3)

A. ELECTORAL PROCESS: 2 / 12 (+2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (+1)

The president is the head of state and is indirectly elected to a six-year term by both chambers of Parliament. The prime minister is head of government, and is selected by the largest party in Parliament after elections, or in the case of a resignation.

General elections originally set for August 2020 were held in June 2021 but did not take place in Tigray, Harari, and Somali Regions, and parts of Oromia, Amhara, Afar, and Benishangul-Gumuz, and Southern Nations, Nationalities, and Peoples' Regions due to insecurity and logistical challenges including challenges with voter registration. An estimated 37 million people registered to vote, and some 90 percent of registered voters cast a ballot. Final results from the NEBE confirmed a majority for the Prosperity Party, which won over 410 of 436 constituencies contested. While a new election date was set for 73 of the constituencies where elections had been delayed, polls were indefinitely postponed in Tigray.

With a majority in Parliament, Prime Minister Abiy's Prosperity Party formed a new cabinet that included three opposition party members. In October 2021, Abiy was sworn in for a new five-year mandate. Despite the landslide victory for Abiy and the Prosperity Party, the results were contested by political actors who were excluded or who did not participate in the process due to perceived unfairness.

Score Change: The score improved from 0 to 1 because despite postponements, electoral flaws, and insecurity, the year's election offered voters a greater degree of choice than in previous years.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4 (+1)

The bicameral Parliament includes the 153-seat House of Federation, whose members are elected by state assemblies to five-year terms, and the House of People's Representatives, with 547 members directly elected to five-year terms.

The 2021 parliamentary and regional elections were seen as an opportunity for the country to break from its past of undemocratic elections. Changes in electoral laws and reform of the National Electoral Board of Ethiopia, which came under the leadership of former opposition party leader, Birtukan Mideksa, improved the body's operations and encouraged far more opposition parties to participate than ever before. A total of 47 political parties participated in the elections, fielding more than 8,200 candidates.

Despite these improvements, the elections were fraught with the previously described insecurity, registration problems, and other challenges that limited widespread acceptance of the outcomes as free and fair. In addition, numerous political parties raised concerns about the closure of their offices by security agents, harassment, imprisonment, and the killing of at least one candidate, which his supporters described as a probable assassination. In this context, key opposition groups boycotted the election, resulting in many uncontested seats. While more competitive than previous elections—the 2021 still fell short of conferring broad-based legitimacy to the elected government among significant political factions in the country.

Score change: The score improved from 0 to 1 because despite postponements, electoral flaws, and insecurity, the year's election offered voters a greater degree of choice than in previous years.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Several reforms to the electoral system and its oversight have taken shape under Prime Minister Abiy. In August 2019, Parliament unanimously passed the Ethiopian Election, Political Parties Registration, and Election Ethics law. The new legal framework reduced restrictions that had limited the participation of opposition groups, and failed to recognize voting rights of marginalized sections of the population such as international displaced persons (IDPs) and prisoners.

Challenges that arose during the 2021 polls tested the impartiality and credibility of NEBE and the broader electoral framework, including regarding the participation of imprisoned political candidates. One party, the Balderas for True Democracy, sought legal recourse to ensure imprisoned candidates were registered and succeeded when the Federal High Court directed NEBE to allow the jailed candidates to participate. NEBE initially resisted the court order, saying ballots had already been printed, but ultimately reprinted ballots to include the Balderas candidates. The case demonstrated a small but significant improvement in judicial oversight and compliance with the electoral laws.

The lack of a complete census remains a major impediment to the demarcation of constituencies that ensure fair representation based on accurate population estimates. With the exception of the newly established Sidama regional state, the distribution of electoral constituencies in 2021 has not changed from the original distribution established in 1995.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The transition beginning in 2018 initially brought progressive political reforms, but crackdowns in 2020—first after the assassination of Oromo musician Hachalu Hundessa and its aftermath in June, and then after the beginning of the conflict in Tigray in November—harmed political pluralism. Since then, in May 2021, the House of Peoples' Representatives designated the TPLF and the (OLF-Shene), an armed breakaway group of the Oromo Liberation Front (OLF), as terrorist organizations, accusing them of carrying out acts of politically motivated violence against government and civilian targets. As a consequence, hundreds of Tigrayans accused of being affiliated with the TPLF have faced arrest and other pressure. Oromo political leaders have also faced pressure, including OLF chairman Dawud Ibsa who was placed under house arrest in May. Prominent political figures arrested after the assignation of Hachalu Hundessa—including Eskinder Nega, Jawar Mohamed, and Bekele Gerba—remain in prison, over a year after their arrest due to procedural delays in their trials.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Changes that Abiy's government began to implement in 2018 improved conditions for opposition groupings, though the Prosperity Party still maintains numerous formal and informal advantages over opposition parties due to its effective incumbency. The party won a landslide victory in 2021 polls, taking almost 95 percent of the 436 constituency seats contested in June. However, numerous opposition candidates entered the new parliament compared to past elections, and some hold cabinet seats. However, key opposition groups including the Oromo Federalist Congress (OFC), the Ogaden National Liberation Front (ONLF), and the OLF boycotted elections (the latter after being disqualified by NEBE), citing electoral mismanagement and harassment by the ruling party.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The 2018 reforms allowed many constituencies to exercise their political rights more freely. However, the designation in 2021 of armed political groups such as the TPLF as terrorist organizations has been detrimental for the political support base of the party, which had dominated national and regional politics in Tigray for the past three decades.

The Tigray conflict also led Prime Minister Abiy to seek external military and political support from President Isaias Afwerki of Eritrea, to combat the TPLF. The presence within Tigray of the Eritrean Defense Forces—who have been accused of widespread atrocities and sexual violence—has exacerbated the conflict and remains an impediment to its resolution.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Since 1991, political parties in Ethiopia have primarily been based on ethnicity. However, upon coming to office, Abiy Ahmed has advocated a message of national unity and expressed disagreement with the enduring legacies of ethnic politics. In the past year, political alliances between major political factions within the country have realigned, with Tigrayan and Oromo parties, on the one hand, urging for more decentralized power to ethnically defined regions, and mostly Amhara and other political parties, on the other hand,

generally in favor of non-ethnically defined federalism and a greater unifying role played by the central government. Public opinion polling from 2020 indicate that Ethiopians are evenly split between preference for ethnic and non-ethnic federation. These divergent perspectives have fomented the ongoing conflict in Tigray and neighboring regions, and have hardened as a result of it.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (+1)

Political reforms that began in 2018 helped to create an atmosphere where opposition parties can win elected office. However, the shortcomings of the 2021 elections, including a climate of insecurity and growing repression of some opposition groups, suggest that gains have become forestalled and, in the absence of stability, may eventually be reversed.

Some areas plagued by insecurity remain out of the control of government—such as Tigray—while others have been under prolonged states of emergency, with heightened military presence and control—including parts of Oromia, Amhara, and Benishangul Gumuz.

Score Change: The score improved from 0 to 1 because the government was selected via a more representative electoral process than in previous years.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and unequal resource distribution are significant problems that have contributed to the recent unrest that has plagued Ethiopia. The government has taken some steps to address the issue, which remains a priority for Prime Minister Abiy's administration.

Numerous high-profile military and government officials were arrested and charged with corruption since 2018, and a handful have been convicted.

C3. Does the government operate with openness and transparency? 1 / 4

The Prosperity Party made some initial attempts to be more transparent than its predecessors, but its actions have reflected an inability or unwillingness to operate with openness and transparency.

Authorities have notably been opaque and at times dishonest about the presence and role of Eritrean forces in Tigray. While state media and the government's official communications throughout 2021 emphasized the limited nature of what it has termed a "law enforcement operation," media and other reports of alleged atrocities, sexual violence, and expanding conflict have contradicted the government's narrative.

CIVIL LIBERTIES: 11 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 1 / 4

After years of severe restrictions on press freedom, Abiy's government took initial steps to increase freedoms for independent media, and notably released a number of prominent journalists from prison in 2018. However, independent journalists remain constrained by security imperatives that limit their ability to work and travel.

In 2021, international and Ethiopian journalists and media networks came under government pressure over coverage of internal conflicts and political dynamics, resulting in some cases in expulsions from the country and revocation of licenses. Several Ethiopian journalists were also imprisoned without charges. By the end of 2021, Ethiopia topped the list of countries with the most journalists in jail, ranked second highest in sub-Saharan Africa, only after

Eritrea. Additionally, effective October 29, 2021, the Ethiopia Media Authority banned local Ethiopian broadcasters from transmitting programs from foreign media outlets.

In the early months of the conflict in Tigray, the lack of telephone and internet connectivity and the inability for journalists to travel and cover developments in the region, meant that very little was known about the scale of the conflict and the resultant humanitarian situation. In this context, misinformation and disinformation about the conflict and the humanitarian situation have been rampant on social media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The Ethiopian constitution guarantees religious freedom, and different faith groups have coexisted in the country for centuries. Prime Minister Abiy has promoted reconciliation between Ethiopia's main faith groups, including through the 2018 release of Muslim activists who had been arrested in 2015 for protesting the government's treatment of Muslims.

However, religion has increasingly become a divisive factor in Ethiopian politics, and local conflicts have featured violence along religious lines. Mass violence in July 2020 following the assassination of Hachalu Hundessa took on a religious dimension in parts of Bale and Arsi, in the Oromia Region, with the targeting of followers of the Ethiopian Orthodox Tewahedo Church (EOTC). In 2021 the head of the EOTC, Abune Mathias, said he had been prevented from speaking out against the ongoing violence in Tigray, though he did not explain by whom.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom remains restricted in Ethiopia, though academics have become more vocal on political and economic matters in lectures, at conferences, in media columns, and online since the lifting of the state of emergency in 2018. However, self-censorship remains common in the context of ongoing conflicts and political tensions.

With few exceptions, institutions of higher education are funded and administered by the federal government, which also sets admission standards and student quotas. The Ministry of Education still monitors and regulates official curriculums.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The gains made in 2018, including the release of political prisoners and lifting of bans against prominent government critics in the media and other sectors, had fostered a more open atmosphere for free expression among ordinary people. However, in the last two years, arbitrary arrests, extrajudicial activities, widespread surveillance, and nontransparent court proceedings have once again led individuals to be more reluctant to express political views openly. In particular, the government has arrested hundreds of Tigrayan activists, professionals, and public figures and closed Tigrayan-owned businesses with alleged connections to the TPLF, contributing to a sense of fear among Tigrayans.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4

Free assembly is restricted by insecurity in several regions, and resultant declarations of states of emergency or martial law. In November, a six-month, nationwide state of emergency was enacted, further curtailing freedom of assembly and other civil liberties throughout the country.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4 (-1)

The passage of a new civil society law in February 2019 dispensed with many restrictions that had been placed on nongovernmental organizations (NGOs) by the draconian 2009 Charities and Societies Proclamation. However, the federal Civil Society Organizations Agency retains broad powers. Moreover, while NGOs are more able to legally operate in the human rights and governance spheres, practically many of these organizations are unable to access large parts of Ethiopia either due to security challenges or a lack of official approval, as was the case in Tigray. While the discourse around NGOs is more open, many of the practical realities for these groups have not improved.

Relations between federal government and international human rights and humanitarian NGOs further soured in 2021. In August, the government suspended for three months the Norwegian Refugee Council (NRC) and Doctors Without Borders (MSF), which had criticized the destruction of refugee camps and health facilities in Tigray, respectively. In September, they designated seven senior UN humanitarian workers as *persona non grata*, requesting them to leave the country within 72 hours. The government has regularly accused aid organizations of spreading propaganda and providing material support to armed groups, while failing to provide evidence for such serious accusations.

Score Change: The score declined from 2 to 1 due to the government's crackdown on humanitarian organizations and personnel operating in Tigray.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The Ethiopian Constitution recognizes the right of workers to join trade unions, and more than 500,000 workers are organized under the umbrella of the Confederation of Ethiopian Trade Unions (CETU). However, independent unions have faced harassment in the past, and there has not been a legal strike in Ethiopia since 1993.

On the employer side, a large number of chambers of commerce and business associations exist for different industries and locations. The largest and oldest among them, the Addis Ababa Chamber of Commerce, is a regular critic of government economic policy. The federally organized Ethiopian Chamber of Commerce, of which the Addis chamber is a member, has been more aligned with official policy.

F. RULE OF LAW: 1 / 16 (-1)**F1. Is there an independent judiciary? 1 / 4**

The judiciary is officially independent, but in practice it is subject to political interference, and judgments rarely deviate from government policy. Ethiopia's security forces have maintained significant influence over the judicial process, especially in cases against opposition leaders and other political adversaries. An exception to this was the notable decision of the Federal High Court to uphold the rights of jailed opposition party candidates to participate in the June 2021 elections.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process rights are generally not respected. While more than 10,000 people who had been arbitrarily detained were released after the change of political leadership in 2018, several waves of summary arrests have taken place since.

In May 2021, the House of People's Representatives designated the TPLF a terrorist organization, enabling those affiliated with the group to be charged under the Prevention and Suppression of Terrorism Crimes Proclamation of 2020. The proclamation, which replaced

a controversial antiterrorism law, made marginal improvements in safeguarding human rights but left open possibilities for government to use the law to detain opposition groups. The nationwide, six-month state of emergency enacted in November 2021 was announced as the TDF moved closer to Addis Ababa, and at least 1,000 individuals—most of Tigrayan descent—were detained on suspicion of supporting the armed opposition.

The right to a fair trial is often not respected, particularly for government critics. In civil matters, due process is hampered by the limited capacity of the Ethiopian courts system, especially in the peripheral regions where access to government services is weak. As a result, routine matters regularly take years to be resolved.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Several conflicts have intensified in 2021—most notably in Tigray—but there has also been growing instability in Amhara, Afar, Oromia, and other regions. Over 2 million people have been internally displaced, and over 60,000 have fled to neighboring Sudan. Security forces, both regional and federal, have been accused of war crimes, including the massacring of civilians and rape. Conflict dynamics include competition for local resources, ethnic mobilization, and national political rivalries. External diplomatic pressure has had limited impact, while internally, political polarization is increasing, in part due to the government's inflammatory rhetoric.

A joint investigation into human rights abuses in Tigray conducted by the UN Human Rights Office and the Ethiopian Human Rights Commission (EHRC) confirmed several violations that took place between November 2020 and June 2021, concluding that some “may amount to crimes against humanity and war crimes.” While most reported civilian attacks in Tigray were perpetrated by EDF and ENDF members, one of the earliest and most deadly, in the town of Mai-Kadra, is believed to have been perpetrated by Tigrayan forces against Amhara civilians. The scope of the joint UN-EHRC investigation did not cover areas outside of Tigray in Amhara and Afar during the months during which the TDF took the offensive southward. Several recent reports of TDF fighters indiscriminately killing civilians and perpetrating sexual abuse have emerged from the Amhara and Afar regions. In early 2021, the United Nations warned of alarming accounts of rape and sexual violence occurring in Tigray during the conflict. While the government convicted 3 soldiers of rape and brought charges against another 53, witness accounts from the region suggest the abuse is more widespread than what the government has acknowledged.

Separately, after restoring telecommunications within Tigray for some time in 2021, internet and telephone services were rendered largely inoperable following the government's withdrawal from Mekelle and surrounding areas in June.

An ongoing government campaign to suppress armed opposition forces in western Oromia has led to repeated clashes and widespread displacement. The OLA's attacks on Amhara civilians has led to the death of hundreds. Ethnic rivalries along the border of Amhara and Benishangul Gumuz as well as Afar and Somali regional states also resulted in bloodshed. The situation in the border region between Amhara and Tigray remains tense due to a boundary dispute.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4 (-1)

The ongoing conflict in Tigray and political tensions throughout the country have inflamed ethnic divisions, contributing to discriminatory policies and actions against certain groups. The prime minister and prominent leaders aligned with him have referred to the

TPLF with inflammatory language that may be interpreted as ethnic hate speech. Because of their perceived or actual support for regional Tigrayan forces, the broader Tigrayan population has become increasingly marginalized. Tigrayans have been purged from civil and military roles, forced to close businesses, and thousands have been detained arbitrarily. Amharas also decry growing targeted attacks, discrimination, and the failure of state actors to protect them, particularly in Oromia, Benishangul Gumuz, and in areas of Amhara where the TDF launched an offensive in mid-2021.

The number of IDPs in Ethiopia surpassed 2 million in 2021, and humanitarian groups have struggled to meet the growing need. Security and bureaucratic constraints continue to hinder the flow of aid.

Same-sex sexual activity is prohibited by law and punishable by up to 15 years' imprisonment. Women face discrimination in education. A gender gap persists in many aspects of economic life including women's wages relative to their male counterparts in similar positions; according to the World Bank's Gender Innovation Lab, women have far lower wage incomes (44 percent lower) and business sales (79 percent lower) than do men.

Score change: The score declined from 1 to 0 due to growing ethnic-based discrimination, particularly against Tigrayans, amid the ongoing war.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

While the constitution establishes freedom of movement, local conflicts impede people's ability to travel freely. Travel to Tigray has been severely impeded due to conflict. Following the government's announcement of a cease-fire and withdrawal from the region, in June 2021, humanitarian aid deliveries into the region have slowed to a fraction of what is needed in what UN officials have referred to as a "de facto blockade." Fighting between forces loyal to the federal government and the TDF along the Tigray-Afar border and the Amhara-Tigray border, in addition to numerous government checkpoints, has also limited access and movement to the region. The intentional destruction of infrastructure such as roads and bridges by armed actors has also undermined civilian and humanitarian movement.

Violent conflict and security clampdowns in parts of Amhara, Afar, Oromia, and Benishangul Gumuz have also significantly reduced internal travel, with most Ethiopians feeling safer in their home region than in other states.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Private business opportunities are limited by heavy government regulation of key industries and the dominance of state-owned enterprises in many sectors. State monopolies have persisted in the telecommunication, shipping, and aviation industries, while the financial sector is closed to foreign competition and effectively controlled by state-owned banks. After announcing plans to liberalize the economy as part of the political transition, in 2021 the Abiy government completed the partial sale of the state-owned EthioTelecom, awarding a license to a consortium led by Vodafone and ending more than a century of state monopoly in Ethiopia telecommunications.

All land must be leased from the state. The government has evicted Indigenous groups from various areas to make way for infrastructure projects, such as the Gibe III dam in the Lower Omo Valley. Urban development projects in Addis Ababa and other cities have also repeatedly led to the forced resettlement of local tenants.

A gender gap persists in many aspects of economic life including land ownership and access to finance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Legislation protects women's rights, but these rights are routinely violated in practice. Enforcement of laws against rape and domestic abuse is inconsistent, and cases routinely stall in the courts.

Forced child marriage is illegal but common in Ethiopia, and prosecutions for the crime are rare. Female genital mutilation (FGM) is also illegal, but the law is inconsistently enforced.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Despite near-universal primary school enrollment, access to quality education and other social services varies widely across regions and is particularly poor in the "emerging" low-land states. A new labor law adopted in 2019 expanded workers' rights, such by extending paid maternity leave, and raised the working age to 15 years. However, reports from Ethiopia's industrial parks suggest that working conditions can be precarious, and child labor is prevalent in many agricultural households.

In April 2020, the Ethiopian government adopted a new antitrafficking law which stipulates strict punishments for crimes such as sexual exploitation and the smuggling of persons.

Fiji

Population: 900,000

Capital: Suva

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: The repressive climate that followed a 2006 coup has eased since democratic elections were held in 2014 and 2018. However, the ruling party frequently interferes with opposition activities, the judiciary is subject to political influence, and military and police brutality is a significant problem.

KEY DEVELOPMENTS IN 2021

- In September, the FijiFirst majority in Parliament passed an amendment to the Electoral Act requiring citizens to use the name "specified on the applicant's birth certificate" when registering to vote. The opposition criticized the law, saying that it will disproportionately affect women voters whose birth names differ from their marital names.
 - Nine leading opposition figures were detained and questioned by police in July after voicing opposition to Bill 17, a controversial draft law that would alter how native land leases are administered by the iTaukei Land Trust Board; the bill was passed into law in August.
 - In February, the government forcibly deported Pal Ahluwalia, a Canadian citizen and then vice chancellor of the Fiji-based University of the South Pacific (USP).
-

Ahluwalia had faced pushback the previous year for launching an investigation into financial management irregularities under his predecessor, who was known to be close to the Fiji government.

POLITICAL RIGHTS: 23 / 40 (-1)

A. ELECTORAL PROCESS: 7 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The prime minister is the head of government. The party that wins the most seats in parliamentary elections selects the prime minister, who is then appointed by the president. In the 2018 parliamentary elections, Prime Minister Frank Bainimarama's FijiFirst Party won 50 percent of the total vote and 27 seats in the 51-member parliament. The Multinational Observer Group reported that the polling "was transparent and credible overall and the outcome broadly represented the will of Fijian voters."

The president is elected by Parliament for a three-year term and holds a largely ceremonial role. In October 2021, Ratu Wiliame Katonivere was elected president, replacing former president George Konrote.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Parliament is Fiji's unicameral legislative body, with 51 members elected to serve four-year terms. International observers of the 2018 parliamentary elections found polling largely credible, although civil society participation was limited.

Municipal elections have not been held since 2005. Municipal councils were dissolved in 2009 and have since been run by government-appointed administrators.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (-1)

The legal framework for Fijian elections is considered fair. However, the structure of the electoral administration has raised concerns about potential political interference. FijiFirst's secretary general, Aiyaz Sayed-Khaiyum, serves as minister of elections, as well as attorney general. Opposition parties claim that this creates a bias in the Electoral Commission, which administers elections, and affects the independence of the body.

A July 2021 decision by the Supervisor of Elections, Mohammed Saneem, removed opposition parliamentarian Niko Nawaikula from the voter registry on the grounds that he had not registered under his birth name. Nawaikula was forced to vacate his seat, but was reinstated in August by Fiji's chief justice, who criticized Saneem for overextending his authority. Sayed-Khaiyum expressed frustration that the government's lawyers had not successfully defended Saneem's decision; the solicitor general was suspended shortly thereafter, and was fired in November.

Following Nawaikula's reinstatement, the FijiFirst majority in Parliament passed an amendment to the Electoral Act in September requiring citizens to use the name "specified on the applicant's birth certificate" on the voter registry. The opposition has expressed concern that the rule will disproportionately affect women voters whose birth names differ from their marital names.

Score Change: The score declined from 3 to 2 because new amendments to the electoral law introduced onerous voter registration requirements.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

The right to form political parties is constitutionally guaranteed, but the government has eligibility requirements that discourage the formation of smaller parties: prospective parties must submit 5,000 signatures to become registered. The 5 percent nationwide threshold for representation in Parliament further disincentivizes the formation of smaller parties. In September 2021, Sitiveni Rabuka, the former leader of the Social Democratic Liberal Party (SODELPA), successfully registered a new party, The People's Alliance.

In July, nine leading opposition figures were detained and questioned by police after voicing opposition to Bill 17, a controversial draft law that would alter how native land leases are administered by the iTaukei Land Trust Board; the bill was passed into law in August.

In April, the Supervisor of Elections briefly suspended three minor parties, all without seats in Parliament, for allegedly failing to submit their audited accounts on time. Two of the parties were reinstated later that month, but the third had not been reinstated by year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The dominance of FijiFirst in Parliament has left little space for opposition forces to assert themselves politically. In 2018, the major opposition party, SODELPA, won 21 seats, up from 15 in 2014. The Multinational Observer Group noted that during the 2018 parliamentary campaign, government ministers and high-level officials engaged in high-profile activities, such as opening buildings, signing commercial contracts, and disbursing government grants and funds, which could have provided an electoral advantage to FijiFirst. Prime Minister Bainimarama has, in the past, stated that he would not allow the opposition parties to assume office in the event that FijiFirst was defeated.

Opposition figures have been targeted by corruption charges they claim are politically motivated. Before the 2018 election, the Fiji Independent Commission Against Corruption (FICAC) charged then SODELPA leader Rabuka with making a false declaration of assets. He was acquitted, but FICAC appealed the decision; the case was ultimately dismissed two days before the elections. Had he been convicted, Rabuka would have been barred from the contest.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The military has a history of interference in Fijian politics. Several prominent political leaders, including Prime Minister Bainimarama, are former military commanders, which contributes to the perception that the military has undue political influence.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The law does not restrict the participation of minorities and women in politics. However, both Indigenous and Indo-Fijian women are underrepresented by political parties. Only 10 out of the 51 members of Parliament are women.

Small minority groups, including Banabans, members of the Chinese ethnic minority, and the descendants of people from the Solomon Islands, lack significant political representation.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The executive branch under Prime Minister Bainimarama determines the policies of government. With FijiFirst holding a strong parliamentary majority, the government has frequently pushed through legislation with minimal scrutiny from the opposition.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious problem, and existing safeguards are limited in their effectiveness. FICAC has had limited success combatting institutional corruption. FICAC has also allegedly pursued politically motivated corruption cases.

C3. Does the government operate with openness and transparency? 2 / 4

Since the restoration of elective democracy in 2014, government transparency and openness has improved. Parliamentary sessions are broadcast live, and the Hansard (an official report of parliamentary proceedings) is updated regularly. Although candidates for elections are required to declare their assets, there is no law requiring public asset disclosures by members of Parliament. Fiji lacks an access to information law, and requests for information from the media and the public are sometimes denied. In recent years, FijiFirst has used its parliamentary majority to rewrite parliamentary standing orders in a manner that limits debate on legislation and scrutiny of official statements.

The head of Fiji's Bureau of Statistics, Kemueli Naiqama, was dismissed in September 2021 for publishing data on ethnicity in the 2019-2020 Household Income and Expenditure Survey. The Attorney General questioned the reliability of the data, which showed that the majority of people experiencing poverty in the country are Indigenous Fijians. Local human rights organizations have expressed concern that Naiqama was fired "for telling the truth."

CIVIL LIBERTIES: 35 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (-1)****D1. Are there free and independent media? 2 / 4**

Fiji has an active media sector, with several private television stations, radio stations, and newspapers. The political opposition and other critics of the FijiFirst government have accused the state of using its power to silence critics. The vaguely worded Media Industry Development Decree bans reporting that is critical of the government or harmful to "national interest public order." Restrictive press laws are sometimes enforced by the government, and the risk of fines and jail time encourages self-censorship.

In April 2020, Jone Kalouniwai, a senior military officer—who in 2021 became the country's top military commander—defended the government's right to censor the press during the COVID-19 pandemic. In August 2021, a former government advisor reported that the Attorney General regularly tells the openly progovernment newspaper *The Fiji Sun* which stories to cover. Nevertheless, there has been a notable increase in articles critical of government in the national media in recent years.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is generally respected, though in the past there have been many cases of vandalism of Hindu temples. In July 2021, there were reports of arson attacks on mosques and Muslim-owned shops on the island of Taveuni and in Labasa.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4 (-1)

Academic freedom is not directly constrained, but government control over funding has been used to exert influence over tertiary institutions. The government withdrew its funding for the Fiji-based University of the South Pacific (USP) in 2020 after the Fijian Attorney General claimed the university's leadership had engaged in misconduct; Vice Chancellor Pal Ahluwalia had launched an investigation into irregularities under his predecessor, who was known to be close to the Fiji government. The government deported Ahluwalia, a Canadian citizen, in February 2021.

Score Change: The score declined from 3 to 2 because the government forcibly deported an academic official who had made accusations of financial mismanagement against the university where he worked.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

The government places some constraints on free speech, such as a law banning the burning of the national flag. Political activist Ben Padarath was arrested and charged with sedition in March 2021 for publishing a social media post critical of a FICAC investigation. In July, the acting police commissioner warned the public to be cautious when expressing opposition to Bill 17 on social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12**E1. Is there freedom of assembly? 2 / 4**

The constitution gives the government wide latitude to prohibit protests, including on the basis of public safety and morality. Fiji has refused entry into the country for the United Nations Special Rapporteur on the rights to freedom of assembly since 2014.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Fiji has an extensive nongovernmental organization (NGO) network, which largely operates without government interference. However, strict sedition laws, which criminalize criticism of the government, place constraints on the range of initiatives that NGOs can undertake.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Restrictions on trade union protests remain. The Fiji Trades Union Congress (FTUC) has been denied permits for marches numerous times in recent years, including in April 2021, when a further such permit was rejected, allegedly due to concern about the spread of COVID-19.

Union members' political activities are also restricted: they are prohibited from becoming members of Parliament and face obstacles to joining political parties. General secretary of the National Workers Union and the FTUC, Felix Anthony, appeared in court in April and November over his activities during a 2019 protest by water authority workers. Amnesty International reported a rise in harassment of trade unionists in the leadup to these protests and other important union meetings.

F. RULE OF LAW: 7 / 16**F1. Is there an independent judiciary? 2 / 4**

While the constitution guarantees an independent judiciary, there have been credible allegations of political interference among judges. The prime minister has substantial

appointment powers, with the authority to both appoint and dismiss judges on the Supreme Court and other high courts. These powers leave the judiciary vulnerable to interference and abuse by the executive. Fiji has refused entry into the country for the United Nations Special Rapporteur on the independence of judges since 2014.

The Criminal Procedure (Amendment) Act, passed by Parliament in February 2021, removed assessors—lay judicial advisors—from trials, leaving verdicts in criminal cases solely to judges. Though the Attorney General claimed the assessor system had contributed to discrimination based on ethnicity in court decisions, opposition leaders criticized the amendments, saying that removing assessors eliminates public participation and reduces transparency in the criminal justice system.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are often not respected in practice. Corruption is a major problem in the police force. Due to resource shortages, lengthy pretrial detentions are common. The law allows suspects to be arrested without a warrant for violating the Crimes Decree. Politically motivated criminal charges are not uncommon.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Torture and beatings by police remain a serious issue. Police officers and military officials who commit abuses are rarely brought to justice, and those who are convicted of crimes are frequently pardoned or have their convictions overturned on appeal. Prisons are often overcrowded, lack sanitation, and provide inadequate health services. Fiji refuses entry into the country for the United Nations Special Rapporteur on torture. In March 2021, the government unexpectedly withdrew a controversial bill that would have given sweeping additional powers to the police.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

LGBT+ people face discrimination in employment and access to healthcare. Prime Minister Bainimarama has been criticized for making prejudiced remarks against LGBT+ people.

Women experience discrimination in employment as well, and a gender pay gap persists.

Relations between Indigenous Fijians and Indo-Fijians remain strained. Indigenous Fijians previously enjoyed legal advantages in education and political representation. However, the interim government installed after the 2006 coup removed many of these privileges in a bid to foster a sense of national unity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens enjoy the freedom to travel, live, work, and seek education inside and outside the country. However, the law gives the government broad powers to restrict both internal and foreign travel. Substantial restrictions on movement were imposed in 2021 in response to the COVID-19 pandemic.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are generally respected. However, it is difficult to obtain land titles. The government amended the Land Sales Act in 2014 to require foreign nationals who fail to build a dwelling on their land within two years of acquisition to pay a fine equivalent to 10 percent of the land value every six months. Under the law, urban residential freehold land cannot be sold to foreigners.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a problem in Fiji, and perpetrators who are convicted of the crime often receive light sentences. The Fiji Women's Crisis Center warns that there was a spike in domestic violence cases during the government's lockdown in 2020, implemented to prevent the spread of COVID-19.

Although there is a growing movement in support of marriage equality in Fiji, Prime Minister Bainimarama has openly stated he does not support it.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking, including sex trafficking of children, remained a problem in 2021. The US State Department's *2021 Trafficking in Persons Report* reported that Fiji had increased its efforts to fight human trafficking in 2020, including pursuing investigations of 10 suspected trafficking cases and formally endorsing a national antitrafficking strategy for 2021–26. However, trafficking convictions remain rare, with only one recorded in the country since 2014. Safety standards at workplaces are not always adequately enforced. Long work hours are common in some jobs, including transportation and shipping.

Finland

Population: 5,500,000

Capital: Helsinki

Freedom Status: Free

Electoral Democracy: Yes

Overview: Finland's parliamentary system features free and fair elections and robust multi-party competition. Corruption is not a significant problem, and freedoms of speech, religion, and association are respected. The judiciary is independent under the constitution and in practice. Women and ethnic minority groups enjoy equal rights, though harassment, hate speech, and discrimination aimed at minority groups does occur.

KEY DEVELOPMENTS IN 2021

- In March, the government declared a state of emergency in response to rising COVID-19 case numbers. Though the state of emergency was lifted in April, some COVID-19-related restrictions, including on movement, remained in place through year's end.
 - Finnish prosecutors brought Gibril Massaquoi, a Sierra Leonean living in Finland, to trial in February for his alleged role in war crimes committed in Liberia between 1999 and 2003. The trial remained ongoing at year's end.
-

POLITICAL RIGHTS: 40 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president, whose role is mainly ceremonial, is directly elected for up to two six-year terms. In 2018, former finance minister and incumbent president Sauli Niinistö, originally of the center-right National Coalition Party (KOK), won a second presidential term with 62.6 percent of the vote, defeating several challengers. The election was considered broadly free and fair.

The prime minister, the head of government, is selected by Finland's freely elected parliament. Following parliamentary elections in April 2019, Antti Rinne of the Social Democratic Party became prime minister in June. However, he resigned due to criticism within the governing coalition over his handling of a postal workers' strike in November 2019, and Sanna Marin was chosen by the party to replace him in December 2019.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Representatives in the 200-seat, unicameral parliament, the Eduskunta, are elected to serve four-year terms. In March 2019, the coalition government headed by Prime Minister Sipilä of the Center Party resigned after failing to secure parliamentary support for a reform of the health care system, one of its key priorities. The move triggered the elections held in April 2019. Prior to the 2019 elections, the Organization for Security and Co-operation in Europe (OSCE) expressed "a high level of confidence in all the aspects of the electoral process" and concluded that it was not necessary to send an election observation mission.

The Social Democratic Party won the largest share of the vote, taking 40 seats. The right-wing Finns Party placed second with 39 seats. The new government formed in June 2019 comprised the Social Democratic Party, the Center Party with 31 seats, the Green League with 20 seats, the Left Alliance with 16 seats, and the Swedish People's Party of Finland with 9 seats. The remainder of seats went to KOK, which took 38, the Christian Democrats with 5, the new Movement Now with 1, and the Åland Coalition, also with 1.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Finland's electoral laws are robust and generally well implemented by the relevant authorities.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

There are no significant constraints on political parties' ability to organize and operate, and they compete freely in practice.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Finland regularly experiences peaceful transfers of power between rival political parties through elections, with governments typically consisting of multiparty coalitions. The 2019 elections produced the country's first Social Democratic prime minister since 2003.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from undue interference by forces that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Citizens from the Finnish majority and all ethnic minorities enjoy full political rights. The Åland Islands—an autonomous region located off the southwestern coast whose inhabitants speak Swedish—have their own 30-seat parliament, as well as one seat in the national legislature. The Sámi of northern Finland, an Indigenous people who number about 10,000, have a legislature with limited powers, but they do not have guaranteed representation in the parliament. Members of the Sámi community continue to call for greater inclusion in political decision-making processes.

Women and women's interests are reasonably well represented in politics, as are LGBT+ people and their respective interests. Prime Minister Marin is the third woman to serve as Finland's head of government. Her installation also marked the first time that all parties in a Finnish governing coalition were headed by women.

C. FUNCTIONING OF GOVERNMENT: 12 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Finland's freely elected government and lawmakers are generally able to develop and implement policy without undue interference from unelected entities.

In March 2020, the government invoked the Emergency Powers Act due to the COVID-19 pandemic; the state of emergency lasted through June of that year. A second COVID-19-related state of emergency was imposed in March 2021. Though the state of emergency was lifted in April, some COVID-19-related restrictions remained in place through year's end.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Corruption is not a significant problem in Finland and is generally punished under relevant laws when discovered. However, in 2018 the Council of Europe's Group of States against Corruption (GRECO) urged Finland to bolster corruption prevention and detection policies within government and law enforcement agencies, including by increasing whistleblower protections. It further warned of possible conflicts of interest between the public and private sectors in the Sipilä government's planned health care and social service reforms. As of December 2020, GRECO reports that Finland has fully implemented only 1 of 14 recommendations issued by the anticorruption body.

C3. Does the government operate with openness and transparency? 4 / 4

Laws permitting access to public information are generally well enforced, though there are some limits on the disclosure of information related to national security, foreign affairs, trade secrets, and criminal investigations. All citizens, including government officials, are required by law to make public asset declarations, though there are no penalties for noncompliance. While companies perceive corruption risks and favoritism within public procurement as low, informal networks and personal associations, notably at the local level, are still believed to hold influence over procurement decisions.

CIVIL LIBERTIES: 60 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Freedom of expression is protected by Article 12 of the constitution and the 2003 Act on the Exercise of Freedom of Expression in Mass Media. Media outlets in Finland are typically independent and free from political pressure or censorship, and the media environment is strong.

However, journalists sometimes face harassment for their work, notably those who cover topics related to immigrants and immigration. Journalists also face the risk of defamation charges. In April 2019, investigative reporter Johanna Vehkoo was convicted of defaming a far-right politician and ordered to pay more than \$7,000 in fines and compensation. Vehkoo was granted leave to appeal the decision in April 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is guaranteed in the constitution and generally respected in practice. However, far-right hate speech and incidents of vandalism directed at the Jewish and Muslim communities are ongoing concerns. In July 2021, the Interior Ministry published a report identifying both perceived threats to the premises of religious communities and potential solutions for improving security in and around these locations. The report found that while, overall, more than 70 percent of those surveyed felt their religious premises were generally safe, only 69 percent of Muslim respondents and 32.5 percent of Jewish respondents felt safe in and around their religious premises.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are few impediments to personal expression, and the authorities are not known to engage in improper surveillance of personal communications. However, in March 2019, the parliament gave final approval to two bills that strengthen the authority of the intelligence service and defense forces to access private communications involving national security threats.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is protected by law and upheld in practice. As a response to the COVID-19 pandemic, the government restricted public events—including protests—to no more than 50 people in March 2020. This restriction was removed in October of that year.

In October 2020, police used pepper spray against protesters obstructing traffic, who were associated with the environmental activist group Extinction Rebellion and calling on the government to take more significant measures to combat the climate crisis. An official inquiry into accusations of assault levied against the police for their actions was opened in December 2020 and remained ongoing at the end of 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate without restriction.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to organize and bargain collectively, though public-sector workers who provide services deemed essential may not strike. Approximately 75 percent of workers belong to trade unions, which actively advocate for members' interests.

F. RULE OF LAW: 16 / 16**F1. Is there an independent judiciary? 4 / 4**

The constitution provides for an independent judiciary, and the courts operate without political interference in practice.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process is generally respected in Finland. Authorities largely uphold safeguards against arbitrary arrest and detention and provide the conditions for fair trials.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

There are few significant threats to physical security, and violent crime is uncommon, although it has increased in recent years.

In February 2021, Finnish prosecutors brought Gibril Massaquoi, a Sierra Leonean living in Finland, to trial for his alleged role in atrocities committed in Liberia between 1999 and 2003. Massaquoi faces charges of murder, aggravated war crimes, and aggravated crimes against humanity; his trial was ongoing at year's end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

The constitution guarantees the Sámi people cultural autonomy and the right to pursue their culturally significant livelihoods, which include fishing and reindeer herding. However, representatives of the community have said that they cannot fully exercise their rights in practice and face restrictions on land use. While Roma comprise a very small percentage of Finland's population, they are significantly disadvantaged and marginalized.

Women enjoy equal legal rights. Despite an equal pay law, women earn only about 84 percent as much as men on average, and women's pensions are worth roughly 20 percent less than men's. In 2020, the government initiated a new policy that grants new parents seven months of parental leave, regardless of gender.

A June 2019 report by the European Commission against Racism and Intolerance (ECRI) noted an increase in racist and intolerant hate speech in Finland, especially toward Muslims and refugees. Hate speech on the internet was also a concern, with targets including immigrants, people of African descent, LGBT+ people, the Jewish community, and Roma. A 2020 report by Finland's Non-Discrimination Ombudsman further highlighted racism against people of African descent. In September 2021, the Finnish Ministry of Justice and the Equality Commissioner launched a campaign encouraging people to take action against racism.

The Nordic Resistance Movement, a neo-Nazi organization that the National Police Board has called "violent and openly racist," was banned in March 2019, following a Supreme Court ruling that the organization abused freedom of assembly and speech. This is the first time an organization has been given a cease-and-desist order in Finland since the 1970s.

In 2016, the Finnish government amended its asylum law to limit the aid available to asylum seekers. The amendments prompted concern from the UN refugee agency, which suggested that authorities had abandoned good practices and sought to align their policies with the minimum required by international treaties governing the treatment of refugees. International human rights NGOs have also criticized the policies, saying they restrict the rights of asylum seekers.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Individuals in Finland are free to travel abroad and domestically. The country has one of the most expansive “freedom to roam” policies in the world, allowing people to use any public or private land for recreational purposes so long as the privacy of a private residence is not violated, and no environmental damage is incurred. There are no undue restrictions on people’s ability to change their place of residence, education, or employment.

After the emergence of the COVID-19 pandemic in 2020, entry restrictions for non-citizens were implemented temporarily. Beginning in November 2020, passengers entering Finland were required to have a certificate of a negative COVID-19 test taken less than 72 hours before arrival. Such restrictions were lifted in July 2021 for people who had been vaccinated against COVID-19 and were entering Finland from the EU and Schengen countries.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Intellectual and physical property rights are upheld. There are no major obstacles to establishing a business, and the country boasts a well-regulated, transparent, and open economy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

People’s choices on personal status matters are for the most part unrestricted. Same-sex marriage has been allowed since 2017. However, legislation requires that transgender people be sterilized and have a mental health diagnosis in order to obtain legal recognition of their gender. In 2017, the UN Human Rights Council (UNHRC) called for Finland to eliminate these impediments to legal gender recognition. The ECRI echoed this call in 2019. The government appointed a working group intended to draft reforms to this law in June 2021.

The UNHRC has also recommended that Finland amend its criminal code to no longer define rape according to the degree of violence used by the perpetrator. The new coalition government in 2019 placed this matter on its agenda, and in July 2020 the Ministry of Justice issued a recommendation to include consent in the definition of rape. Domestic violence is an ongoing concern.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

The authorities generally uphold protections against exploitative working conditions. Asylum seekers and migrants are most vulnerable to sex and labor trafficking. The government actively prosecutes trafficking offenses, and survivors have access to protection and assistance. However, alleged perpetrators often receive lighter charges and penalties due to lack of specialized training for investigators.

France

Population: 65,300,000

Capital: Paris

Freedom Status: Free

Electoral Democracy: Yes

Overview: The French political system features vibrant democratic processes and generally strong protections for civil liberties and political rights. However, successive governments have responded to deadly terrorist attacks in recent years by curtailing constitutional protections and empowering law enforcement to infringe upon personal freedoms. Anti-Muslim and anti-immigrant sentiment continue to be rife throughout the country.

KEY DEVELOPMENTS IN 2021

- The Global Security Bill, which passed in April and formalized the 2020 National Enforcement Law, caused concerns over the securitization of protests and media coverage. The Constitutional Council in May ruled against one of its the bill's more controversial articles, which outlawed the spread of identifiable images of police that sought to identify or harm them or their families. Though this was removed, other concerning provisions of the law were kept in place.
- The National Assembly in July enacted the Reinforcing Republican Principles Bill, also known as the Anti-Separatism Law, which eased authorities' ability to disband associations that allegedly disrespect so-called "values of the Republic." The government has used the law to target organizations that combat Islamophobia, including the Coordination against Racism and Islamophobia (CRI) organization, which the government dissolved in October claiming its activities provoked violence.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The French president is chief of state, and is elected to five-year terms by direct, universal suffrage in a two-round system. The prime minister is head of government and is appointed by the president. Emmanuel Macron, a centrist newcomer to politics, won the second round of the 2017 presidential election against Marine Le Pen from the far-right National Front (FN).

The Organization for Security and Co-operation in Europe (OSCE) expressed confidence in the integrity of French elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the lower house of Parliament, the 577-seat National Assembly, are elected to five-year terms in a two-round system. The upper house, the 348-seat Senate, is an indirectly elected body whose members serve six-year terms. In the 2017 legislative elections, Macron's La République en Marche! (LREM) and its centrist ally won 350 seats in the National Assembly.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

France's electoral laws and framework are fair and implemented impartially. In March 2021, Parliament passed legislation to improve election rules before the 2022 presidential poll, facilitating the postal vote for imprisoned people, proxy voting, and voting for French citizens living abroad.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Parties are generally able to organize and operate freely. Elections in recent years have been competitive and less dominant parties have gained more visibility.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The recent elections have demonstrated that parties outside the political mainstream can gain power through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination. However, some media outlets have drawn outsized attention to controversial political personalities, potentially skewing public perception for economic gain.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

No laws restrict the political participation of women, LGBT+ people, and other marginalized groups. However, far-right parties and their nationalist ideologies have become more mainstream and have emboldened racist commentary in public discourse, further excluding marginalized groups from the political sphere. The LREM's rhetoric surrounding the Reinforcing Republican Principles Bill, enacted in August 2021, targeted the French Muslim population, claiming the need to protect the country's values and traditions. Critics have called the law discriminatory and politically polarizing.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The elected head of government and national legislative representatives determine the policies of the government. However, the ruling LREM has increasingly used Article 49.3 of the constitution—the *ordonnance* process—to forego parliamentary debate and change government policy.

The "health state of emergency" declared in the context of the COVID-19 pandemic has increasingly shifted powers to the executive. The parliament has voted six times between March 2020 and March 2021 to establish and extend the state of emergency, granting Macron expanded powers.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Despite a 2017 law seeking to reduce conflicts of interest, corruption allegations have been lodged against several high-level government officials in recent years. In most cases, these officials have resigned or been dismissed from office. A few other officials, such as Interior Minister Gérald Darmanin and Justice Minister Éric Dupond-Moretti, were the focuses of ongoing investigations or complaints at the end of the year.

In September 2021, former president Nicolas Sarkozy was found guilty of illegal campaign financing during the 2012 presidential election and sentenced to one year in prison. He had been convicted in March 2021 in another case of corruption and influence peddling.

C3. Does the government operate with openness and transparency? 4 / 4

The government generally operates with openness and transparency, although it has increasingly used the *ordonnance* process and an accelerated procedure—which limits Parliament’s discussion of draft legislation—to enact policies without parliamentary debate or public scrutiny. These powers were used to push through the controversial Reinforcing Republican Principles Bill and the much-criticized Global Security Bill in 2021.

The government’s response to the COVID-19 pandemic was inconsistent and lacked transparency. A December 2020 report from parliament’s investigative committee on the management of the pandemic criticized the health sector’s lack of preparedness and its chaotic and erratic decision-making processes. Former minister of health Agnès Buzyn was indicted in September 2021 for publicly minimizing the danger of the coronavirus pandemic before she stepped down in February 2020 to run in the Paris mayoral election.

CIVIL LIBERTIES: 51 / 60 (–1)**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 4 / 4**

The media generally operate freely and represent a wide range of political opinions. In 2020 there were some incidents of violence against journalists.

The 2020 National Law Enforcement Doctrine stipulates that no exceptions in legal terms are to be made for journalists covering protests that police disperse. The doctrine was formalized in the April 2021 Global Security Bill, causing concerns over the securitization of protests and media coverage. The Constitutional Council in May ruled against one of the law’s more controversial articles, which outlawed the spread of identifiable images of police with the intent to identify or harm them or their families. Though this was removed, other stipulations in the law remain concerning for press freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution protects freedom of religion. Antidefamation laws penalize religiously motivated abuse, and Holocaust denial is illegal. The government maintains the policy of *laïcité* (secularism), whereby religion and state affairs are strictly separated, though it also has official relationships with organizations representing the country’s three major religions—Christianity, Islam, and Judaism.

The controversial Reinforcing Republican Principles Bill, also known as the Anti-Separatism Law, was passed by the National Assembly in July 2021. Claiming to combat “religious separatism,” the law allows the government to dissolve religious organizations, increases the surveillance of mosques and Muslim associations, and requires the latter to sign a contract of “respect for Republican values” when applying for state subsidies. Critics have warned that it particularly stigmatizes Muslims and could increase Islamophobic sentiment.

Interior Minister Gérald Darmanin was accused of expressing antisemitic sentiments in his book, *Islamic Separatism*. Far-right media personalities, such as Éric Zemmour, have flagrantly displayed racist and antisemitic beliefs in the public sphere.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no formal restrictions on academic freedom in France.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Though citizens express their views publicly, the government's surveillance and tracking of individuals based on their political views has raised concerns in recent years. Three government decrees were approved in January 2021 by the Council of State that expanded the government's powers to compile information for three public security files, allowing authorities, in the name of national security, to keep records on alleged political militants and activists, their families (including underage children), their health, or their activities on social media. Civil society groups, human rights activists, and labor organizations heavily criticized the decrees.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12 (-1)

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is normally respected. However, the government's restrictions on public gatherings in response to the COVID-19 pandemic were declared unconstitutional by the Council of State in June 2020. Political protests in 2020 were marked by police use of unnecessary force.

In 2021, a new series of lockdowns and curfews were introduced to counter new COVID-19 variants. Demonstrators gathered despite these restrictions to protest the *passe sanitaire* (health pass). Established in July to replace lockdown measures, the pass limited access to public gatherings to vaccinated people or those who had tested negative for the virus.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4 (-1)

Nongovernmental organizations (NGOs) generally operate freely. However, the National Law Enforcement Doctrine and the Global Security Bill have complicated and obstructed NGO reports around protests and police actions.

The Reinforcing Republican Principles Bill eased authorities' ability to disband associations that allegedly disrespect so-called "values of the Republic." The law has been used to target organizations that seek to combat Islamophobia. The Collective against Islamophobia in France (CCIF) was dissolved by decree in December 2020 for its failure to moderate its social media comments; the Council of State approved the dissolution in September 2021. In October, the government dissolved the Coordination against Racism and Islamophobia (CRI) organization, claiming its activities ostensibly provoke violence.

Score Change: The score declined from 4 to 3 because the government passed legislation that has been used to target organizations that combat Islamophobia, dubiously claiming they provoke violence.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions are generally free to operate without any undue restrictions.

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 4 / 4**

France has an independent judiciary, and the rule of law generally prevails in court proceedings.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process generally prevails in civil and criminal matters. However, antiterrorism legislation passed in 2017, which replaced a state of emergency instituted after the 2015 terror attacks in Paris, enshrined controversial administrative control measures into law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The number of complaints of police violence sent to the police's internal disciplinary body (IPGN) has sharply increased since 2018, as have suspicions that the IGPN is too lenient on police forces.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Romany people living in France face systemic discrimination. They were particularly affected by the government lockdowns enforced to prevent the spread of COVID-19, with many struggling to access basic services like water and electricity.

Anti-Muslim sentiment, attacks against mosquegoers, reports of vandalism of mosques, and verbal assaults have increased in recent years. A variety of antisemitic conspiracy theories surged after the emergence of the coronavirus pandemic. The far-right has become increasingly successful in using racist language to shape French public discourse. In January 2021, six international and French organizations sent a formal notice to the government calling for an end to the use of ethnic profiling and other forms of discrimination by the police. In July, they filed a class action lawsuit against the French state.

The efficacy of government efforts to address gender inequality is unclear. Research published in October 2020 by the European Trade Union Confederation revealed that the French gender pay gap has only narrowed by 0.1 percent since 2010. Sexual harassment of women is a prominent issue.

Migrants and refugees in France continue to face societal discrimination and abuse from authorities. During the COVID-19 pandemic, they received reduced aid, were heavily policed, and experienced dangerous sanitary conditions. In 2021, NGOs providing humanitarian assistance in Calais reported police mistreatment and abuse of both migrants and aid workers. In Paris, groups of Afghan refugees were reportedly harassed, sometimes with force, by French police who raided makeshift camps. Human Rights Watch (HRW) reported in May on the expulsion of unaccompanied children to Italy, in violation of both French and international law.

In November 2021, the government announced they would offer migrants accommodation when dismantling camps, would end unannounced evictions, and would allow migrants more time to gather their possessions. Throughout the year, tensions between French and British authorities rose over disputes about migrants in northern France who attempted to reach the United Kingdom by boat. That month, close to 30 migrants drowned in the British Channel after their boat capsized.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

While there are normally no restrictions on freedom of travel or choice of residence or employment in France, the government enforced lockdowns that significantly restricted movement to prevent the spread of the COVID-19 pandemic in 2020 and 2021. Authorities were criticized for discriminatory enforcement of the rules, as marginalized groups were far more policed than the rest of the population. As of August 2021, more than one million French workers, including health sector workers, were required to have a health pass or proof of vaccination to continue working.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Private businesses are free to operate.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals generally enjoy personal social freedoms—including choice of marriage partner and size of family. A measure approving access to fertility treatments for women, including single women and lesbian couples, was passed by Parliament in June 2021; however, transgender individuals were excluded, and surrogacy remains illegal.

During the two COVID-19 lockdowns in 2020, reports of domestic violence rose sharply, despite government measures to prevent this. Authorities implemented mechanisms to report violence and set up safe zones, for which legislation was adopted in June 2020. However, the appointment of Interior Minister Gérald Darmanin, who is being criminally investigated for rape, in July 2020 caused shock and anger among many.

Muslim women remain the target of several laws enacted in recent years preventing them from wearing clothing that involves religious practice, forcing some women to dress against their will.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Employment discrimination against women, French Muslims, immigrants of North African descent, and other marginalized groups hinders equality of opportunity. While France's government acts against human trafficking, the problem persists in the commercial sex trade; some victims are also forced into domestic labor.

Gabon

Population: 2,200,000

Capital: Libreville

Freedom Status: Not Free

Electoral Democracy: No

Overview: Although Gabon holds multiparty elections, President Ali Bongo Ondimba maintains political dominance through a combination of patronage and repression, having succeeded his father upon his death in 2009 after more than 40 years in power. However, President Bongo's fitness to exercise power has been the subject of considerable doubt since he suffered a stroke in October 2018. The executive branch effectively controls the judiciary. Other significant problems include discrimination against immigrants, marginalization of minority groups, and legal and de facto inequality for women.

KEY DEVELOPMENTS IN 2021

- In February, President Bongo's Gabonese Democratic Party (PDG) won 45 of the Senate's 52 elected seats. The president then appointed the remaining 15 senators, a new power invested in him by constitutional amendments rushed through the National Assembly in December 2020.
- In June, Mathurin Ovono Ebe, a prominent faculty member and president of the Omar Bongo University chapter of the National Union of Teachers and Researchers (SNEC), was kidnapped, tortured, and threatened by armed assailants, who some analysts suspect had ties to the government. Ebe had participated in a protest in front of the university hours before he was abducted.

POLITICAL RIGHTS: 3 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president, who wields executive authority, is elected by popular vote for seven-year terms. Presidential term limits were abolished in 2003. The president nominates and can dismiss the prime minister at will.

The August 2016 presidential election pitted incumbent Ali Bongo Ondimba of the PDG against Jean Ping of the opposition Union of Forces for Change (UFC). The electoral commission declared Bongo the winner with 49.8 percent of the vote. In Haut-Ogooué Province, a Bongo family stronghold, the commission claimed a turnout rate of 99.9 percent, with 95 percent for Bongo, even though turnout in the rest of the country was just 54 percent. Both Ping and observers from the European Union (EU) called for a recount.

Meanwhile, violent protests erupted, and security forces stormed Ping's headquarters. Although the government claimed the death toll from the unrest was under 10 people, journalists and opposition leaders estimated that more than 50 people had died; hundreds of people were arrested.

The Constitutional Court, headed by a longtime Bongo family ally, rebuffed an observation mission from the African Union (AU) during the recount. Following the recount, the president was credited with 50.66 percent of the vote. Ping rejected the results.

President Bongo suffered a stroke in 2018 and was not seen publicly for nearly a year. Since then, his capacity to serve as president has been questioned.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Gabon's Parliament consists of the National Assembly, whose members are elected by popular vote for five-year terms, and the Senate, which was reformed by December 2020 constitutional amendments as part of the ruling party's efforts to consolidate control should Bongo be further incapacitated. Under the new constitution, the Senate consists of 67 seats, 52 of which are directly elected and 15 of which are appointed by the president. Bongo appointed 15 senators in February 2021, days after the PDG claimed 45 of the body's 52 elected seats.

National Assembly elections were originally due in 2016 but were repeatedly postponed. The incumbent assembly was finally dissolved in 2018, leaving the Senate as the only legislative body for most of the year. The PDG claimed 98 seats in the National Assembly elections that October, which were boycotted by opposition parties due to the government's failure to create an independent electoral commission. PDG allies won roughly 10

more seats, and no single party other than the PDG took more than 11. The elections were marked by credible allegations of fraud and repression.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Gabon's electoral laws and framework do not ensure credible elections. The electoral commission, the Interior Ministry, and the Constitutional Court all play important roles in managing elections, and all are loyal to the president.

In January 2018, Parliament gave its final approval to constitutional amendments that were developed without meaningful input from opposition parties or civil society. The amendments introduced a runoff system for presidential elections if no candidate wins a majority in the first round and required ministers to pledge allegiance to the president. Lawmakers rejected the imposition of presidential term limits. In December 2020, Parliament rushed through a slate of constitutional amendments that reduced the size of the Senate and provided for the president's appointment of 15 of the body's 67 members. Critics largely saw the amendments as a means of consolidating the PDG's power.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The PDG dominates the nominally multiparty system. Opposition parties remain fragmented, and the government has disrupted their activities by denying them permits for public gatherings, arresting participants in their largely peaceful protests, and incarcerating their leaders.

In September 2021, the government proposed a new law that would require presidential candidates to have lived in Gabon for at least six months in each of the two years preceding an election. Analysts believe the law targets members of the extended Bongo family who might contest the 2023 election against the president or his anointed successor.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The PDG has monopolized the executive branch since the 1960s, and there is no realistic opportunity for the opposition to gain power through elections. In 2017, Ping called for a civil disobedience campaign, arguing that he had exhausted all institutional remedies for the fraudulent 2016 election. He and some other opposition leaders boycotted the 2018 National Assembly elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The Bongo family and associates have acquired enormous wealth after decades in power, which has led to judicial investigations in France, including of BNP Paribas, which is accused of laundering money on the Bongo family's behalf. The October 2021 release of the Pandora Papers, an investigation by the International Consortium of Investigative Journalists (ICIJ) that revealed the corrupt global financial system and connections of rich and powerful actors around the world, revealed that the Bongo family used substantial resources to sustain patronage networks and fund vote-buying during elections. The leadership relies on security forces to intimidate the opposition.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic minorities have little ability to gain political representation, given the PDG's dominance. Key government and military posts are held by loyalists from major ethnic groups. Though Parliament decriminalized homosexuality in 2020, LGBT+ people are not openly represented politically.

In July 2020, Rose Christiane Ossouka Raponda of the PDG became the first woman to be prime minister of Gabon.

C. FUNCTIONING OF GOVERNMENT: 1 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Government policy is set by the president and senior aides, and the parliament is dominated by the PDG. President Bongo suffered a stroke in October 2018, and his fitness for office remains uncertain. In November 2018, the Constitutional Court unilaterally altered the constitution to allow the vice president to assume some of the president's functions if he is "temporarily unavailable." In December 2020, the PDG-dominated parliament passed further constitutional amendments stipulating that the president of the Senate, the president of the National Assembly, and the defense minister would share interim executive powers should the president become incapacitated.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption and impunity remain major problems, and the Bongo family's corrupt networks were exposed by the Pandora Papers, released in October 2021. Authorities have reportedly used anticorruption efforts to target regime opponents. A special criminal court for cases involving the theft of public funds was established in 2018, but prosecutions remain selective. In January 2020, civil society organizations filed a lawsuit in Libreville accusing Nouredin Bongo, the president's son, of corruption and money laundering. The public prosecutor dismissed the complaint. In September of that year, President Bongo announced that Nouredin would direct his 2023 reelection campaign, despite widespread skepticism about the president's health.

C3. Does the government operate with openness and transparency? 0 / 4

The government operates with minimal transparency. The presidency's budget is not subject to the same oversight as those for other institutions. High-level civil servants are required to disclose their assets, but the declarations are not made public. The government has refused to disclose any information about President Bongo's health.

CIVIL LIBERTIES: 18 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16 (-1)****D1. Are there free and independent media? 1 / 4**

Press freedom is guaranteed by law but is restricted in practice, and reporters self-censor to avoid legal repercussions. The 2017 communications code contains provisions that restricted media freedom, including an obligation for media to promote "the country's image and national cohesion."

In April 2020, the High Authority of Communication (HAC) suspended the news site Gabon Media Time for three months after its representatives ignored a summons to attend an HAC meeting on a libel complaint; the HAC had suspended the site for a month in 2019 after it criticized state hospitals.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Although religious freedom is enshrined in the constitution and generally respected, some heterodox religious groups reportedly have difficulty obtaining registration from the government.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4 (-1)

Omar Bongo University, Gabon's main center for tertiary education, is state-run, and academic freedom is tenuous. Professors self-censor to avoid conflicts with the authorities.

In June 2021, Mathurin Ovono Ebe, a prominent faculty member and president of the Omar Bongo University chapter of the National Union of Teachers and Researchers (SNEC), was kidnapped, tortured, and threatened by armed assailants, who some analysts believe are linked to the government. Ebe had participated in a protest in front of the university hours before he was abducted.

Score Change: The score declined from 2 to 1 due to the kidnapping and torture of a high-profile university figure by unknown assailants in apparent retaliation for his union activity.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Ordinary individuals' freedom to express criticism of the government is limited by restrictive laws and deterred by state surveillance. Individuals who criticize the government are routinely detained or attacked by security forces.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12**E1. Is there freedom of assembly? 1 / 4**

Freedom of assembly is limited. The government repeatedly denied permits for meetings, used tear gas, and arrested demonstrators to disperse unauthorized gatherings. A 2017 law further limited the freedom to assemble by making organizers responsible for offenses committed during gatherings.

In February 2021, two people died during protests against the government's COVID-19 restrictions after police fired tear gas and stun grenades into crowds in Libreville and Port Gentil. Some witnesses claimed that police used live ammunition and shot the two individuals who were killed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Relatively few nongovernmental organizations (NGOs) operate in Gabon. Freedom of association is guaranteed by the constitution, but the process for formally registering NGOs is onerous and implemented inconsistently, leaving groups vulnerable to accusations that they are not in compliance with the law.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Workers are legally permitted to join unions, engage in collective bargaining, and strike, but the government has disrupted sit-ins and other labor activism in recent years, and has arrested participants. Some analysts suspect that the June 2021 kidnapping and assault of Omar Bongo University faculty member and SNEC leader Mathurin Ovono Ebe was carried out by government-linked agents.

F. RULE OF LAW: 3 / 16**F1. Is there an independent judiciary? 0 / 4**

The courts are subordinate to the president. The judiciary is accountable to the Ministry of Justice, through which the president has the power to appoint and dismiss judges. Gabon's highest judicial body, the Constitutional Court, is composed of three members appointed by the president, two by the National Assembly, one by the Senate, and three by the Superior Council of the Judiciary, which itself is headed by the president and justice minister. The 2018 constitution also created a new special court, the Court of Justice of the Republic, which alone has the authority to place a check on top executive and judicial officials. It consists of seven members appointed by the Superior Council of the Judiciary and six members of Parliament. The Constitutional Court is headed by a longtime Bongo ally.

In 2019, a Libreville appellate court agreed to hear a lawsuit that would have required President Bongo to undergo a medical exam to determine his fitness for office. The government suspended the judge who made the ruling and blocked the proceedings. In February 2020, the government refused to hear a lawsuit charging Nouredin Bongo with corruption. In July of that year, a Libreville court convicted Bertrand Zibi Abeghe, a former ally turned opposition leader arrested during the 2016 election, to six years in prison.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Legal safeguards against arbitrary arrest and detention are not upheld by police, and detainees are often denied access to lawyers. Lengthy pretrial detention is common. Arbitrary arrests linked to opposition activism have increased since the 2016 election crisis. Several detained opposition figures have been denied due process, and prisoners have occasionally died in custody.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Prisons are severely overcrowded, with limited access to proper medical care. Torture is outlawed by the constitution, but detainees and inmates face physical abuse. In January 2021, former head of the state-run Gabon Oil Company Patrichi Christian Tanasa, imprisoned as the result of a corruption investigation, alleged he had been tortured and sexually assaulted while in custody.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The country's large population of African immigrants is subject to harassment and extortion, including by police. Members of some minority groups experience workplace discrimination and live in extreme poverty.

Women have equal legal rights on some issues but face significant de facto discrimination in employment and other economic matters. Sexual harassment in the workplace, which is not prohibited by law, is common.

In June 2020, the government passed a law decriminalizing homosexuality. Same-sex marriage remains illegal and LGBT+ individuals are still subject to widespread social stigma, discrimination, and the threat of physical violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

There are no laws restricting internal travel, but police often monitor travelers at checkpoints and demand bribes. Married women seeking to obtain a passport or travel abroad must have permission from their husbands. The government has imposed travel bans on opposition leaders in recent years.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Bureaucratic and judicial delays can pose difficulties for businesses. Enforcement of contracts and property rights is weak, and the process for property registration is lengthy. Bongo and his associates play a dominant role in the economy, impairing fair competition and favoring those with connections to the leadership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Personalized forms of violence are believed to be widespread, and perpetrators generally enjoy impunity. Rape and domestic abuse are rarely reported to authorities or prosecuted. Spousal rape is not specifically prohibited. Abortion is a punishable crime under most circumstances. The minimum age for marriage is 15 for women and 18 for men. The civil code states that a wife must obey her husband as the head of household.

In March 2021, the parliament amended the civil code to enhance legal equality for married women, including by recognizing gender-based violence as legitimate grounds for divorce.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Wage standards and laws against forced labor are poorly enforced, particularly in the informal sector and with respect to foreign workers. Both adults and children are exploited in a number of different occupations, and foreign women are trafficked to Gabon for prostitution or domestic servitude.

Georgia

Population: 3,700,000

Capital: Tbilisi

Freedom Status: Partly Free

Electoral Democracy: Yes

Note: The numerical scores and status listed above do not reflect conditions in Abkhazia and South Ossetia, which are examined in separate reports. Freedom in the World reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Georgia holds regular and competitive elections. Its democratic trajectory showed signs of improvement during the period surrounding a change in government in 2012–13,

but recent years have featured backsliding. Oligarchic influence affects the country's political affairs, policy decisions, and media environment, and the rule of law is undermined by politicization. Civil liberties are inconsistently protected.

KEY DEVELOPMENTS IN 2021

- In April, European Council (EC) president Charles Michel brokered an agreement between the ruling Georgian Dream (GD) party and opposition groups, effectively ending an parliamentary boycott that began in late 2020. However, GD withdrew from the agreement in July.
- Anti-LGBT+ rioters broke into the offices of nongovernmental organization (NGO) Tbilisi Pride in July, destroying property and injuring 53 media workers preparing to cover a subsequently cancelled pride parade. One of the injured individuals died later that month.
- In August, the State Security Service (SSS) was revealed to have surveilled several hundred individuals, including journalists, activists, politicians, and members of the clergy, reportedly tracking the personal activities and communications of their targets. The SSS and the government denied wrongdoing.
- In October, former president Mikheil Saakashvili, who was convicted in absentia of abuse of power while living abroad, was arrested upon his return to Georgia. Saakashvili engaged in a hunger strike, which he agreed to end in November.
- Georgians voted in local elections in October, with the ruling GD winning 19 of 20 mayoral races. Observers called the elections peaceful but noted the misuse of official resources, intimidation, and allegations of vote buying among other problems.

POLITICAL RIGHTS: 22 / 40 (-1)

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

Georgia has a dual executive, with the prime minister serving as head of government and the president as head of state. Under constitutional changes approved in 2017, the president elected in 2018 is to serve a six-year term, after which a 300-member electoral college comprising national lawmakers and regional and local officials will choose presidents.

In 2018, Salome Zourabichvili, a former foreign minister supported by GD, won about 60 percent of the vote in the second round of the presidential election, defeating Grigol Vashadze, a former foreign minister running for the opposition United National Movement (UNM). While the electoral environment was largely peaceful, significant problems in the preelection period and voter intimidation on election day marred the quality of the runoff. Abuse of administrative resources and limited instances of vote buying and ballot-box stuffing were reported. Outside many voting stations, the presence of GD activists created an intimidating atmosphere. Just days before the runoff, a charitable foundation controlled by former prime minister Bidzina Ivanishvili, then the GD chairman, promised to write off the debts of about one in six eligible voters.

The president formally appoints the prime minister, whom Parliament nominates. Giorgi Gakharia, the prime minister since late 2019, resigned in February 2021, objecting to the court-ordered arrest of UNM leader Nika Melia. Gakharia was succeeded by defense minister and former prime minister Irakli Gharibashvili.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The unicameral Parliament is composed of 150 members, with 120 selected through nationwide proportional representation and 30 directly elected in single-member districts. This system was introduced in 2020; previously, nearly half of lawmakers were elected in single-member districts. All members serve four-year terms.

In the October 2020 parliamentary elections and November runoffs, GD won 90 seats, including all 30 single-member district seats. The UNM-led coalition won 36, all via proportional representation, and seven smaller groups won the remaining seats. Election observers, including the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), considered the vote competitive but noted numerous shortcomings, including the use of administrative resources, vote buying, interference with observers, disorganized precinct-level electoral commissions, preelection and election-day violence, violations of voting secrecy, and widespread intimidation.

In November 2020, opposition parties announced a boycott of that month's runoff and refused to enter the new Parliament. Voter turnout for the runoff stood at 26 percent, the lowest recorded since independence. Opposition members who were elected declined to take their seats until an agreement between the government and opposition was brokered with the support of EC president Michel in April 2021. GD withdrew from the agreement in July, however.

Local elections took place in two rounds in October 2021, with GD winning 19 of 20 mayoral races. International and local observers called the elections generally peaceful, but noted the misuse of administrative funds, the preelectoral dismissal of government employees for supporting opposition candidates, intimidation of candidates and voters, and extensive allegations of vote buying. Two opposition parliamentarians requested that their mandates be terminated after the local elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The country's electoral laws are generally fair, and the bodies that implement them have typically done so impartially. However, GD's dominance in precinct-level commissions, complicated complaints procedures, and short timelines for filing complaints impair election quality.

The current electoral system for Parliament was introduced in June 2020 and first implemented in the that year's elections. The new system expanded the use of proportional representation and reduced the vote threshold for entering Parliament via proportional representation from 5 percent to 1 percent.

Several electoral-code amendments were passed in June 2021, though the UNM and Lelo for Georgia parliamentarians both declined to vote for them, saying they did not fully comply with the Michel-brokered agreement. Elements related to selection of Central Election Commission (CEC) members were rolled back by the GD-controlled Parliament in December. Further reforms to the electoral system were still being debated year's end.

In August 2021, Parliament selected Giorgi Kalandarishvili to head the CEC and selected two commissioners in a session boycotted by opposition members. A two-thirds vote failed to materialize in three previous attempts to select a chair.

B. POLITICAL PLURALISM AND PARTICIPATION: 8/16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

While Georgia hosts a dynamic multiparty system, opposition parties increasingly face undue barriers to political competition. A pattern of single-party dominance since the 2000s has inhibited the development and stability of competing groups. In 2019, Mamuka Khazaradze, the founder of one of Georgia's largest banks, and his business partner were charged with money laundering two weeks after Khazaradze stated his intention to form a political party. That party, Lelo for Georgia, won four seats in the 2020 parliamentary elections, though Khazaradze himself remained under investigation as of year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4 (-1)

Georgia last underwent a peaceful transfer of power between rival groups in 2012–13, when GD defeated the UNM in parliamentary and presidential elections. A faction of the UNM split off in 2017, leaving smaller parties that are less capable of mounting a credible challenge.

Opposition parties and members experienced significant intimidation and harassment in 2021. UNM leader Melia was arrested in February on charges related to antigovernment protests held in 2019, though he was released from pretrial detention in May. Also in May, former prime minister Gakharia launched the For Georgia party. For Georgia members faced police harassment, surveillance, arrests on politically motivated charges, and dismissal from government jobs. Security services reportedly intimidated candidates of the Girchi party and others into withdrawing from the October 2021 local elections.

Under the Michel-brokered agreement, GD agreed to hold elections in 2022 if it received less than 43 percent of the vote in the 2021 local elections. GD subsequently withdrew from the agreement in late July, removing a negotiated pathway for the opposition to gain power through elections.

Score Change: The score declined from 3 to 2 because an opposition party leader was arrested over protest activity, while members of other parties were subjected to intimidation, threats, and loss of employment.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Ivanishvili, the wealthy businessman who founded GD in 2011, resigned as party chairman and premier in 2013, but remained the party's primary financial backer and continued to control it informally. His successors as prime minister and party chairman were close confidants and former employees. Bidzina Ivanishvili was reelected as GD chairman at a party congress in 2018 and remained in that post until January 2021, when he resigned and left party politics.

Recent elections have featured allegations of various forms of vote buying and intimidation, including pressure on public employees and recipients of social benefits to support the ruling party.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

No laws prevent women or ethnic and religious minorities from participating in politics. Electoral reforms introduced in 2020 included a gender quota for the proportional-representation component of parliamentary elections; at least one in every four candidates on a party's list must be a woman. Nevertheless, women's and minority interests remain underrepresented at all levels of government. Although a woman became president in 2018, women won only 31 seats in the 2020 parliamentary elections.

Ethnic minority groups make up an estimated 13 percent of the population, with ethnic Armenians and Azerbaijanis forming the largest communities. However, few parliamentarians are members of ethnic minority groups.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The ability of elected officials to determine and implement government policy has been impaired by the informal role of Ivanishvili, who has exerted significant influence over decision-making after leaving office. His de facto authority was demonstrated in 2018, when then prime minister Giorgi Kvirikashvili resigned due to disagreements with Ivanishvili.

C2. Are safeguards against official corruption strong and effective? 2 / 4

While petty corruption has become less common, corruption persists. It has allegedly taken the form of nepotism or cronyism in government hiring and procurement. The lack of independence among law enforcement bodies and the judiciary impedes the effective application of anticorruption laws. Successful cases against high-ranking officials and those close to them remain rare.

C3. Does the government operate with openness and transparency? 3 / 4

Government operations are generally subject to scrutiny by auditing bodies, the media, NGOs, and the public. However, the Institute for the Development of Freedom of Information, a Georgian advocacy group, reports that access to public information has been uneven since 2010. While public officials declare assets, the Georgia chapter of Transparency International warned in 2020 that the monitoring of such declarations is inconsistent and does not focus on conflicts of interest or potential corruption.

CIVIL LIBERTIES: 36 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16 (-1)

D1. Are there free and independent media? 2 / 4

The media environment is pluralistic but partisan. Although free expression is broadly allowed, the government has become increasingly aggressive towards journalists.

In July 2021, anti-LGBT+ rioters broke into the offices of Tbilisi Pride, which was organizing the city's LGBT+ pride parade, and injured 53 media workers covering the event. Cameraman Aleksandre Lashkarava, who was one of the injured, died later that month. Officials engaged in antimedia rhetoric after the attack, with Tbilisi mayor Kakha Kaladze calling Georgian news programs "psychological violence" in late July. Journalists critical of the government's conduct were denied access to press events.

The government engages in the surveillance of journalists. In August 2021, television station Mtavari Arkhi (Main Channel) reported that the SSS had surveilled and recorded the conversations of journalists along with politicians, members of the clergy, and civil society activists.

Journalists at publicly funded or owned outlets face dismissal for criticizing the GD government. In August 2021, the Georgian Public Broadcaster dismissed news anchor Irakli Absandze after he criticized the government's response to the Tbilisi Pride riot.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees freedom of religion but grants unique privileges to the Georgian Orthodox Church. Georgia's religious minorities—among them Jehovah's Witnesses,

Pentecostals, and Muslims—have reported discrimination and hostility, including from Georgian Orthodox priests and adherents, and are insufficiently protected by the state.

Members of the clergy were among those surveilled by the SSS according to August 2021 press reports, with the SSS reportedly tracking their communications with journalists and diplomats along with their personal activities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. However, in 2018, Georgian authorities froze the assets of the International Black Sea University and prevented it from accepting students for the new academic year, citing tax arrears that the institution allegedly owed. The asset freeze was eventually lifted after the debt was paid, though the university maintained the tax claim was unlawful. The university is associated with the Turkish Islamic preacher Fethullah Gülen, which the Turkish government has declared a terrorist organization. In 2017, Georgian authorities closed two schools associated with the movement, citing regulatory violations. The seemingly disproportionate and arbitrary nature of the enforcement actions raised suspicions that they were carried out under Turkish pressure.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (–1)

Georgians generally enjoy freedom of expression, including in their online communications. However, watchdog groups have expressed concerns that state agencies can conduct surveillance and data collection without adequate oversight. A 2017 law created a new electronic surveillance agency under the SSS that can fine service providers for failure to cooperate with its work.

In August 2021, the SSS was revealed to have engaged in widespread surveillance of public figures, including journalists, activists, clergy members, and politicians. Multiple individuals confirmed the authenticity of their conversations after they were leaked in September. Ombudsman Nino Lomjaria publicly stated that several hundred people were surveilled by the SSS. The government and the SSS both denied wrongdoing, though prosecutors launched an investigation in mid-September.

In March 2021, several people accused authorities of harassing them after criticizing musician Bera Ivanishvili, the former GD chairman's son, on social media. Their accusations came after TV Pirveli aired an undated conversation in which Ivanishvili, his father, and the head of the Special State Protection Service discussed the targeting of internet users, including minors.

In recent years, multiple public figures—including opposition and ruling party politicians—have been subjected to intimidation through the threatened or actual release of surreptitiously recorded sex videos, contributing to an atmosphere that deters free expression on politics.

Score Change: The score declined from 3 to 2 because Georgian security services were reported to have engaged in widespread surveillance of individuals, including journalists, clergy members, and diplomats, and to have used such surveillance to intimidate perceived opponents.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is often respected, though police sometimes respond to demonstrations with excessive force.

LGBT+ groups' right to assembly are rarely protected, however, and LGBT+ events are rarely held. In July 2021, anti-LGBT+ rioters met little resistance from police when they broke into the offices of Tbilisi Pride, destroying property and attacking journalists who prepared to cover the day's events. The parade was consequently cancelled. The government previously declined to guarantee protection for a planned LGBT+ rally in Tbilisi in 2019, while right-wing protesters gathered outside the offices of an LGBT+ pride organization and reportedly vandalized its exterior in 2020.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Civil society sector is fairly robust. Some groups are included in policy discussions, though others report facing political pressure, largely in the form of public criticism by government officials. Civil society advocates were also revealed to be targets of SSS surveillance in August 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers are legally allowed to organize, bargain collectively, and strike, though there are some restrictions on the right to strike, including a ban on strikes by certain categories of workers. Legal protections against antiunion discrimination by employers are weak and poorly enforced in practice.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Despite ongoing judicial reforms, executive and legislative interference in the courts remains a substantial problem, as does a lack of transparency and professionalism surrounding judicial proceedings.

Under the constitutional framework that took effect after the 2018 presidential election, the High Council of Justice rather than the president nominates Supreme Court judges; Parliament then approves the judges. A judicial self-governing body elects most council members. In 2018, the council presented a list of Supreme Court nominees, but a coalition of NGOs criticized the process's apparent opacity and the nominees' quality. The head of Parliament's legal affairs committee resigned over what she called an "unacceptable" process soon after. In late 2019, Parliament confirmed 14 justices, though opposition members did not participate in the vote. Observers, including from the Council of Europe, criticized the appointments, saying the candidates were neither qualified nor impartial. Parliament passed further judicial reforms in 2020, preempting an opinion from the Venice Commission of the Council of Europe.

The GD government agreed to institute judicial reforms under the Michel-brokered agreement, though the government withdrew from the agreement in July 2021. Parliament appointed six Supreme Court justices in mid-July, ignoring the agreement. Another four were appointed in December, despite calls from the European Union to continue a judicial-reform program. In September, the Georgia chapter of Transparency International criticized the GD government's decision to reverse changes to the selection process for the prosecutor general, saying it did so to retain unilateral control.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The law guarantees due process, but the related safeguards are not always respected. The ombudsman's office has reported problems including a failure to fully implement Constitutional Court rulings on due process matters, administrative delays in court proceedings,

the violation of the accused's right to a presumption of innocence, failure to observe rules surrounding detention and interrogation, and the denial of access to a lawyer upon arrest. A number of government opponents have faced prosecutions in recent years that were widely seen as selective or politically motivated.

Former president Mikheil Saakashvili, who had been convicted of abuse of power in absentia in 2018, was arrested by Georgian authorities upon his return to the country in October 2021. Saakashvili was prohibited from attending several hearings related to new charges in November, prompting criticism from the ombudsman and the US State Department.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Human rights watchdogs and the ombudsman have expressed concern about the physical abuse of detainees during arrest and in police custody and have noted the lack of an independent system for supervising police conduct and addressing claims of mistreatment. Violence and harsh conditions in prisons remain problems.

A 2018 law established the State Inspector's Service (SIS), which was tasked with investigating police abuses, but it was not independent from the prosecutor's office. In December 2021, the government passed legislation to replace the SIS with two entities, which the state inspector described as "punishment of the Service for its independence." The SIS will be dissolved in 2022 under the legislation.

Former president Saakashvili faced apparent mistreatment after his October 2021 arrest. In November, footage of Saakashvili being physically dragged into a prison hospital against his will was aired by the State Penitentiary Service (SPS). While the SPS claimed that Saakashvili had mistreated personnel, Saakashvili claimed that he was physically attacked.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

A 2014 antidiscrimination law provides protection against discrimination on the basis of various factors, including race, gender, age, sexual orientation, and gender identity, but it is enforced unevenly. Women and people with disabilities suffer employment discrimination, among other problems.

LGBT+ people face societal discrimination and are increasingly the targets of serious violence. Transgender people in particular receive little protection, and prosecutors rarely designate crimes against transgender people or other minorities as hate crimes, despite evidence supporting such designations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are ongoing restrictions on travel to and from the separatist territories of Abkhazia and South Ossetia, and individuals who approach their de facto borders can face detention, generally for short periods. Georgians also faced COVID-19-related movement restrictions, including a curfew, during part of 2021. Georgians are otherwise free to travel and change their place of residence, employment, and education without undue interference.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework and government policies are generally supportive of private business activity. However, protection for property rights remains weak, and deficiencies in judicial independence and government transparency hamper economic freedom.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected. However, constitutional changes approved in 2017 define marriage as “a union between a man and a woman for the purpose of creating a family.” There is no law allowing civil unions for same-sex couples.

Domestic violence remains a problem in Georgia, and the response from police is often inadequate, though changing societal attitudes have contributed to more frequent reporting and some improvements in enforcement in recent years. Spousal rape is not specifically criminalized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Unsafe conditions and inadequate legal protections for workers continue to contribute to a high rate of workplace deaths and injuries. In 2020, Parliament passed a labor reform law that introduced new rules for overtime, shift breaks, and other working conditions, while strengthening the labor inspector’s office.

Georgia is a source, destination, and transit country for human trafficking linked to sexual exploitation and forced labor. Displaced people from Abkhazia and South Ossetia are among the populations most vulnerable to trafficking. However, according to the US State Department’s *Trafficking in Persons Report 2021*, the government has continued its enforcement efforts and improved its performance on victim assistance.

Germany

Population: 83,100,000

Capital: Berlin

Freedom Status: Free

Electoral Democracy: Yes

Overview: Germany is a representative democracy with a vibrant political culture and civil society. Political rights and civil liberties are largely assured in law and practice. The political system is influenced by the country’s totalitarian past, with constitutional safeguards designed to prevent authoritarian rule. Although Germany has generally been stable since the mid-20th century, political tensions have grown in recent years following an influx of asylum seekers into the country, and the growing popularity of right-wing populist movements.

KEY DEVELOPMENTS IN 2021

- Free and fair federal elections held in September resulted in the formation of a new coalition government of the Social Democratic Party (SPD), the Green Party, and the liberal Free Democratic Party (FDP). Following the elections, the SPD’s Olaf Scholz won the chancellorship, replacing former chancellor Angela Merkel; Merkel, of the Christian Democratic Union (CDU), had served four consecutive terms as chancellor and chose not to contest the September elections.
 - In May 2020, the Federal Constitutional Court (BVerfG) ruled that provisions of the Federal Intelligence Service (BND) Act were unconstitutional, in part because they impinged on the privacy of journalistic sources. A revised bill was passed in March, though Reporters Without Borders (RSF) criticized the new bill, saying that it still offered insufficient protections for journalists.
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- Beginning in March, a number of CDU and Christian Social Union (CSU) officials resigned their positions after being implicated in various high-profile corruption cases. Investigations into corruption allegations against government officials, including suspected cases of bribery in arranging the sale of COVID-19-related face masks to the state, continued throughout the year.
- Large demonstrations protesting Germany's COVID-19 restrictions were held throughout the year. Many of these protests turned violent: Querdenken (Lateral Thinking) anti-lockdown protesters physically assaulted several journalists and violently clashed with police numerous times.

POLITICAL RIGHTS: 39 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

Germany's head of state is a largely ceremonial president, chosen by the Federal Convention, a body formed jointly by the Bundestag (Federal Parliament) and state representatives. The president can serve up to two five-year terms. Former foreign minister Frank-Walter Steinmeier of the SPD was elected president in February 2017.

The federal chancellor—the head of government—is elected by the Bundestag and serves for the duration of a legislative session, unless the Bundestag votes to elect a replacement in a “constructive vote of no confidence.” Incumbent chancellor Angela Merkel, who had served four consecutive terms in the role, did not contest the September 2021 Bundestag elections. In December, the Bundestag elected former finance minister Olaf Scholz to the chancellorship. Scholz, of the center-left SPD, leads a coalition government composed of three parties: the SPD, the Green Party, and the liberal FDP.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The parliament includes a lower house (Bundestag), and an upper house, the 69-seat Federal Council (Bundesrat), which represents the country's 16 federal states. The Bundestag is elected at least every four years through a mixture of proportional representation and single-member districts, which can lead the number of seats to surpass the minimum of 598. The number of lower-house representatives increased from 709 to 736 following the September 2021 Bundestag elections. The September elections were competitive, and deemed free and fair by local and international election monitors.

The SPD won 206 seats, gaining a narrow majority over the center-right CDU and its Bavarian sister party, the CSU. The CDU-CSU won 196 seats—a nearly 9 percent decline from the 2017 elections, and the party's worst result since 1949. The Greens won a record 118 seats, and the FDP won 92; following the elections, both parties entered a coalition government with the SPD. The right-wing populist AfD took 83 seats, and the far-left party the Left, widely viewed as a successor to the East German communists, took 39. One representative from the Danish minority party South Schleswig Voters' Committee (SSW), also entered the Bundestag.

In Germany's federal system, state governments have authority over matters such as education, policing, taxation, and spending. State governments appoint Bundesrat members, and in this manner can influence national policies.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Germany's electoral laws and framework are fair and impartial. German voters cast two ballots—one for a candidate in their constituency and another for a party, with the latter vote determining the seat share a party receives in the Bundestag. If a party wins more seats in the first vote than are permitted by results of the second, it gets to keep these “overhang seats”—yet to avoid distorting the results of the second vote, all other parties receive “balance seats.” With 736 lower-house members, Germany has the world's second-largest national parliament, after China.

In order to curtail the increasing size of the Bundestag, its members voted to adopt a two-step electoral reform plan in October 2020. The first step took effect ahead of the 2021 elections, and includes a requirement that one party must gain more than three overhang seats in order for balance seats to be allocated to the other parties. The second step will reduce the number of constituencies, lowering the number of candidates able to win overhang seats in future elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

While CDU-CSU and SPD have historically dominated German politics, other parties have increased their support in recent years. Parties do not face undue restrictions on registration or operation. Under electoral laws that, for historical reasons, are intended to restrict the far-left and far-right, a party must receive either 5 percent of the vote or win at least three constituency seats directly to gain representation in the parliament. The constitution makes it possible to ban political parties, although a party must be judged to pose a threat to democracy for a ban to be legal, and no party has been successfully banned since 1956.

Support for the AfD has risen in recent years, as the party has moved further to the radical right. The AfD held seats in the Bundestag and all state parliaments in 2021. While its popularity has shaken the German political system, most parties oppose the AfD and eschew coalitions that include it.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties in Germany have a realistic opportunity to increase their support and gain power through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The German government is democratically accountable to the voters, who are free to throw their support behind their preferred candidates and parties without undue influence.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution gives all citizens age 18 or older the right to vote, to stand for election, and to hold public office. However, some groups are politically underrepresented. Women hold only 34.92 percent of Bundestag seats. Some 11.3 percent of Bundestag members are from immigrant backgrounds, having at least one parent born without German citizenship. In February 2021, Green Party member Tareq Alaows became the first refugee to run for the Bundestag; he withdrew his candidacy nearly two months later, citing concerns for the safety of his family after receiving numerous death threats.

Naturalization rates are low, leading to large numbers of long-term residents who cannot vote in federal elections. About 8.7 million foreign-born permanent residents were unable to vote in the 2021 federal elections, due in part to restrictive citizenship and voting laws.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Democratically elected representatives decide and implement policy without undue interference.

C2. Are safeguards against official corruption strong and effective? 4 / 4

While Germany generally maintains strong and effective corruption safeguards, the Council of Europe's Group of States against Corruption (GRECO) regularly criticizes Germany for its opaque party-financing regime and for a lack of lobbying regulations. In an effort to increase transparency, the SPD and CDU-CSU coalition government introduced a lobby registry in March 2021, which will require individuals representing interest groups to register before contacting officials in the federal government.

The June 2020 collapse of payment processing firm Wirecard brought scrutiny on the German financial regulatory system. Wirecard filed for bankruptcy after its accounting firm refused to sign off on financial statements over evidence of fraud. Its chief executive was arrested over fraud and embezzlement charges, and remained in pretrial custody throughout 2021.

A number of CDU-CSU officials resigned their positions in early 2021 after being implicated in bribery and corruption cases. Several who stepped down were under investigation for allegedly receiving kickbacks for arranging the sale of face masks to the state after the start of the COVID-19 pandemic. Others resigned following allegations that they had accepted bribes to make political decisions that benefited the government of Azerbaijan.

Germany is obligated to enhance legal protections for whistleblowers under an EU directive issued in 2019. In December 2020, justice minister Christine Lambrecht presented a draft whistleblower protection law; the bill, which exceeded the EU requirements in its scope, faced significant resistance from members of the CDU-CSU, who claimed it posed "a threat to businesses." The bill failed to pass in the Bundestag in April 2021.

C3. Does the government operate with openness and transparency? 4 / 4

The government is held accountable for its performance through open parliamentary debates. In 2018, the government introduced question time, in which the chancellor answers questions from the parliament three times per year. However, transparency is limited by an overburdened bureaucracy and inconsistent state-level standards.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF 14 / 16

D1. Are there free and independent media? 4 / 4

Freedom of expression is enshrined in the constitution, and the media are largely free and independent. Hate speech, such as racist agitation or antisemitism, is punishable by law. It is illegal to advocate for Nazism, deny the Holocaust, or glorify the ideology of Hitler.

Journalists sometimes face harassment and abuse, especially via social media, as well as physical attacks when reporting on right-wing demonstrations. Such attacks were common in 2021, especially against journalists reporting on Querdenken demonstrations against COVID-19 restrictions.

The privacy of communications between journalists and their sources has been affected by surveillance provisions in the BND Act, ruled unconstitutional in 2020. A revised bill was passed by the Bundestag and Bundesrat in March 2021. However, Reporters Without Borders (RSF) says the bill still offers insufficient protections for journalists, and announced they would again appeal to the BVerfG.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of belief is legally protected. However, eight states have passed laws prohibiting schoolteachers from wearing headscarves, while Berlin and the state of Hesse have adopted legislation banning headscarves for civil servants.

Antisemitism in Germany has been on the rise in recent years. The Federal Criminal Police Office (BKA) recorded nearly 2,000 criminal offenses against Jewish individuals and organizations during 2021, warning that the number of unreported cases was many times higher. In September, a 16-year-old was arrested for allegedly planning to attack a synagogue in Hagen; he remained in custody at year's end. Querdenken protesters regularly invoked antisemitic conspiracy theories throughout 2020 and 2021.

Islamophobia also remains a concern: German police recorded 662 politically motivated attacks against Muslim individuals and institutions during 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected, though legal prohibitions on extremist speech are enforceable in educational settings.

In late 2020, university employees—disadvantaged by a newly adopted 12-year time limit on fixed-term contracts—launched a grassroots initiative seeking a solution to precarious working conditions in academia. In 2021, the topic was taken up for discussion in the Bundestag, and the Greens, the SPD, and the Left all advocated for increased funding to extend permanent positions in academia.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion and internet access are generally unrestricted, but recent developments have prompted concern about government surveillance. In June 2021, the government passed new legislation allowing the federal police and intelligence services to use spyware to surveil encrypted online messaging services like WhatsApp when conducting criminal investigations. Critics have called the legislation unconstitutional, and several German media rights organizations have filed lawsuits asking the courts to prevent the intelligence services from secretly surveilling the private communications of individuals who are not suspected of criminal activity.

Watchdogs continue to express concern about a controversial 2015 data-retention law that requires telecommunication companies to store users' telephone and internet data for 10 weeks. Critics view the law as a threat to general privacy and to whistleblowers, who could be punished under a section detailing illegal data handling. The law was later suspended and found to be incompatible with EU law by several German courts; the advocate general of the European Court of Justice (ECJ) issued a legal opinion confirming those findings in November 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The right to peaceful assembly is enshrined in the constitution and is generally respected in practice, except in the case of outlawed groups, such as those advocating Nazism or opposing democratic order. Assembly rights were restricted under COVID-19 measures, but an April 2020 BVerfG ruling upheld rights for protesters adhering to social-distancing requirements.

Several large demonstrations against COVID-19 measures were held in 2020 and 2021, some of which turned violent. Far-right Querdenken protesters assaulted several journalists and repeatedly clashed with police throughout 2021.

In May 2021, Amnesty International and other human rights groups released a joint report finding that assembly rights had been unfairly curtailed during the pandemic by restrictions on demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Germany has a vibrant sphere of NGOs, which operate freely. In December 2020, the parliament passed a revised tax law that explicitly allowed more NGOs operating in areas including climate change and LGBT+ issues to claim tax-exempt status.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions, farmers' groups, and business confederations are generally free to organize, and play an important role in shaping Germany's economic model.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent, and generally enforces the rights provided by Germany's laws and constitution.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The rule of law prevails in Germany. Civil and criminal matters are treated according to legal provisions and with due process. However, under "preventive detention" practices, those convicted of certain violent crimes can be detained after serving their full sentence if they are deemed to pose a danger to the public.

In 2019, the ECJ ruled that German prosecutors were not allowed to issue European arrest warrants because of their dependence on state-level justice ministers. In January 2021, the Federal Ministry of Justice and Consumer Protection (BMJV) proposed a draft law that would strengthen the independence of Germany's public prosecutors.

In recent years, several state governments adopted laws that increased the surveillance powers of law enforcement. These laws have been criticized for enabling police to take pre-emptive action if they believe there is an "impending danger," a vaguely defined term could allow for abuses according to critics.

The professionalism of law-enforcement officers has come into question following the 2018 discovery of a neo-Nazi network within the Frankfurt police. Since then, police in several cities and states have been accused of espousing extremist and discriminatory sentiments. An investigation into the issue was launched by the federal Ministry of the Interior in October 2020, and is expected to last three years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Politically motivated crimes against public officials and politicians have increased in recent years. The political establishment was notably shaken by the 2019 murder of Hesse politician Walter Lübcke at the hands of a far-right extremist. According to a June 2021 report, the BKA registered 3,365 politically motivated violent crimes in 2020, an increase from 2,832 in 2019.

Attacks on refugees and refugee housing continued to decline from a peak of 3,500 in 2016. In 2019, nearly 1,750 such attacks were reported. In the first half of 2021, 461 assaults were recorded, a significant decrease from the 879 attacks reported during the same period in 2020.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution guarantees equality and prohibits discrimination on the basis of origin, gender, religion or belief, disability, age, or sexual orientation. However, a number of obstacles stand in the way of equal treatment of all segments of the population. Race-based discrimination is commonplace, including continued discrimination against Roma and Sinti people. Women, meanwhile, face a gender-based pay gap, while men are likelier to hold full-time employment. Women earned on average 18 percent less per hour than men in 2020. The differences were significantly higher in West Germany than in East Germany.

In 2018, restrictive new asylum and migration policies were passed, which include building camps along Germany's international borders to hold and deport asylum seekers who had previously applied for asylum in another EU countries. The implementation of these policies thus far has been slow. Due to the dramatic deterioration of the security situation in Afghanistan, Germany indefinitely suspended deportations to the country in August 2021.

New legal guidelines governing blood donation were enacted in September, lifting some of the regulations that had previously prevented gay and bisexual men from donating blood. However, LGBT+ activists say that the new eligibility requirements still contain discriminatory restrictions.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Freedom of movement is legally protected and generally respected, although the refugee crisis and security concerns related to activity by the Islamic State (IS) militant group have led to some restrictions on travel. In 2015, the government introduced legislation allowing the confiscation of identity documents from German citizens suspected of terrorism to prevent them from traveling abroad, particularly to Iraq and Syria.

COVID-19-related restrictions on movement, including the imposition of lockdowns and curfews, were periodically introduced in several states throughout 2020 and 2021 in response to coronavirus outbreaks and rising case numbers.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and engage in commercial activity are respected.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not restrict social freedoms. Women's rights are protected under antidiscrimination laws. However, a considerable gender wage gap persists, with women earning approximately 18 percent less per hour in gross wages than men according to 2020 statistics. A law requiring large German companies to reserve at least 30 percent of nonexecutive-board seats for women took effect in 2016, but this law affects a limited number of companies. A similar law went into effect in August 2021, requiring the executive boards of stock market-listed companies to include at least one woman; additionally, if the federal government holds majority ownership of a company, 30 percent of that company's board seats must be reserved for women.

Adoption and tax legislation passed in 2014 gave equal rights to same-sex couples in these areas. The government legalized same-sex marriage in 2017.

In December 2021, the justice minister announced he would introduce legislation to fully revoke a Nazi-era law banning doctors from providing information on abortion services.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

According to both BKA reports and the US State Department's 2021 *Trafficking in Persons Report*, migrants from Eastern Europe, Africa, and Asia are persistently targeted for sex trafficking and forced labor, and ethnic Roma are notably vulnerable to sex trafficking and to other forms of sex work. Germany has seen an increase in prosecutions and convictions of suspected traffickers in recent years.

Ghana

Population: 32,400,000

Capital: Accra

Freedom Status: Free

Electoral Democracy: Yes

Overview: Since 1992, Ghana has held competitive multiparty elections and undergone peaceful transfers of power between the two main political parties. Although the country has a relatively strong record of upholding civil liberties, discrimination against women and LGBT+ people persists. There are some weaknesses in judicial independence and the rule of law, corruption presents challenges to government performance, and political violence is a growing concern.

KEY DEVELOPMENTS IN 2021

- Ghanaians sought to organize protests over economic and social concerns under the #FixTheCountry banner, but authorities attempted to stop a rally via a May injunction, which was overturned in June. Protesters were also subjected to violence; a #FixTheCountry supporter was killed by unidentified individuals in June while two people were killed by authorities during a protest held the day after the activist's death.
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- In February, security officers raided the country's first LGBT+ community center, which faced significant opposition from political and religious figures as well as violent threats. Police closed the center later that month.
- In August, Parliament began considering a bill that would criminalize displays of affection, cross-dressing, and LGBT+ advocacy, the latter of which would be punished with prison sentences of up to 10 years. The bill was under consideration by a parliamentary committee as of December.

POLITICAL RIGHTS: 35 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president, who serves as head of state and head of government, is directly elected for up to two four-year terms. President Nana Akufo-Addo of the New Patriotic Party (NPP) won a second term in the December 2020 presidential election with 51.3 percent of the vote, while his predecessor, John Mahama of the National Democratic Congress (NDC), took 47.3 percent. African Union (AU) and European Union (EU) observers called the contest well-organized and generally peaceful, though EU monitors criticized a lack of campaign finance regulation and a misuse of state resources. Mahama rejected the results, alleging fraud, and issued a legal challenge. In March 2021, the Supreme Court dismissed Mahama's petition, stating that it lacked merit.

The immediate postelection period was marred by violence, with the national police reporting at least five deaths in the days following the vote. NDC supporters protested in parts of Ghana after the vote, notably marching on the Electoral Commission (EC) headquarters in Accra.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral, 275-seat Parliament are elected directly in single-member constituencies to serve four-year terms.

The NPP, which held a majority in the previous parliament, and the NDC each won 137 seats in elections held concurrently with the 2020 presidential contest. One seat was won by an independent who agreed to support the NPP, giving that party a bare de facto majority. Monitors lauded the elections' overall conduct. Despite the NPP's majority, an NDC member was selected as speaker in January 2021.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Domestic and international observers consider the EC a capable manager of the electoral process. However, its composition has been the subject of political disagreement in the past; the 2018 appointment of Jean Mensa as its chairwoman was criticized by the NDC, which called her appointment partisan. Civil society largely lauded Mensa's selection, however.

In 2019, the EC announced plans to compile a new voter register ahead of the 2020 elections. The EC registered voters through an updated biometric system during two registration drives in 2020; while its efforts were largely successful, a number of minors and foreign-born residents were reportedly able to register, and NPP and NDC supporters clashed at some registration sites. AU electoral observers ultimately lauded the registration process and the EC's overall performance that December. In May 2021, the EC agreed to

enact reforms after holding a conference with the Inter Party Advisory Committee, including the introduction of continuous voter registration.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The constitution guarantees the right to form political parties, and this right is generally respected. However, civil society groups have expressed concern about the rising involvement of partisan vigilante groups in inter- and intraparty disputes.

Candidates, especially from smaller parties, were impeded in their ability to compete by an increase in registration fees. In 2020, Mensa announced that presidential candidates' filing fees would double compared to the 2016 amount.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple peaceful transfers of power between the NPP and NDC and parties in opposition have meaningful opportunities to increase their public support and win office. Mahama's defeat in the 2016 presidential race marked the first time since the 1992 reintroduction of multiparty politics that an incumbent stood for reelection and lost.

While Ghanaian political contests are generally peaceful, politicians are sometimes victims of violence. One member of Parliament was shot and killed in October 2020, while another was attacked and hospitalized that December.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Ghanaians are generally free from undue interference with their political choices by powerful groups that are not democratically accountable. However, voters and candidates are threatened by vigilantism and politically motivated violence despite the 2019 promulgation of the Vigilantism and Related Offences Act, which bans all political and other vigilante groups.

NPP and NDC supporters clashed at several voter registration sites in 2020—despite an agreement between the two parties to refrain from such activity—resulting in one death.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ghanaian laws provide for equal participation in political life by the country's various cultural, religious, and ethnic groups. Women formally enjoy political equality but hold comparatively few leadership positions in practice. In 2020, the NDC selected Jane Naana Opoku-Agyemang as its vice-presidential candidate, the first time a woman was placed on a major party's presidential ticket. Women won 40 parliamentary seats in that December's elections, a slight increase over the 2016 results and the largest share since the reintroduction of multiparty politics.

The National House of Chiefs, Ghana's highest body of customary authority, has been under pressure to include women as members.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are generally free to set and implement government policy without improper influence from unelected entities. However, the president gained the ability to more easily enact states of emergency under the Imposition of Restrictions Act (IRA). The IRA, which was passed by Parliament and signed by Akufo-Addo in 2020 as the COVID-19 pandemic became a global crisis, limited Parliament's ability to easily revoke presidentially declared states of emergency. The IRA was criticized by the NDC and legal scholars, who warned that the legislation was disproportionate and gave the executive wide-ranging powers. In May 2021, Akufo-Addo stated that the law would remain in force until more Ghanaians received COVID-19 vaccines.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Political corruption remains a problem despite active media coverage, fairly robust laws and institutions, and government antigraft initiatives. Legislation adopted in 2017 established the Office of the Special Prosecutor (OSP) to investigate political corruption.

Former attorney general Martin Amidu was appointed special prosecutor in 2018 but resigned in 2020, citing a lack of resources as one of his reasons. Amidu also claimed that Akufo-Addo sought to interfere in a report on the planned transfer of mineral royalties to publicly owned Agyapa Royalties. The OSP warned that the plan, which envisioned Accra selling shares in the firm, could lead to "bid rigging" or "illicit financial flows." Amidu's deputy, Jane Cynthia Naa Torshie Lampitey, became acting special prosecutor immediately after his resignation. In August 2021, Kissi Agyebeng, a lawyer and academic, was appointed to the role. The government withdrew the Agyapa Royalties proposal after the OSP made its assessment, but vowed to submit a renewed proposal in October.

The administrations of former presidents John Atta Mills and Mahama were implicated in a bribery scheme in 2020, when European aircraft maker Airbus admitted to bribing individuals in Ghana and several other countries between 2011 and 2015. President Akufo-Addo referred the matter to the OSP that February. Later in 2020, the OSP named Mahama's brother a person of interest and reported that Mahama himself was directly implicated. However, Amidu elected not to open an investigation against Mahama before resigning.

C3. Does the government operate with openness and transparency? 3 / 4

The government operates with relative transparency, though there are weaknesses in the legal framework. The Right to Information Act, which grants citizens the right to seek, access, and receive information from public as well as some private institutions, came into effect in 2020.

CIVIL LIBERTIES: 45 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Freedom of the press is constitutionally guaranteed and generally respected in practice. Ghana has a diverse and vibrant media landscape that includes state- and privately-owned television and radio stations as well as a number of independent newspapers and magazines. Online news media operate without government restrictions. Government agencies occasionally limit press freedom by harassing and arresting journalists, especially those reporting on politically sensitive issues.

Military and police personnel detained or attacked journalists on several occasions in 2021. In January, soldiers detained three staff members of Joy News, deleting some of their footage and damaging their vehicle before releasing them. In April, Accra police arrested Whatsup News editor in chief David Tamakloe, accusing him of the "publication of false

news” and “extortion” after receiving a complaint from an interviewee before releasing him on bond. In May, Accra police detained and physically attacked Citi FM journalist Caleb Kudah after accusing him of photographing official vehicles. Police then impersonated Kudah to facilitate the arrest of another Citi FM colleague. Both were later released without charge.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is constitutionally and legally protected, and the government largely upholds these protections in practice. However, public schools feature mandatory religious education courses drawing on Christianity and Islam, and Muslim students have allegedly been required to participate in Christian prayer sessions and church services in some publicly funded Christian schools.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is legally guaranteed and generally upheld in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is both free and vibrant. The government does not restrict individual expression on social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12 (-1)

E1. Is there freedom of assembly? 3 / 4 (-1)

The right to peaceful assembly is constitutionally guaranteed and generally respected. Permits are not required for meetings or demonstrations. Assemblies can be restricted under COVID-19 regulations, however.

Ghanaians sought to organize protests over economic and social concerns under the #FixTheCountry banner during 2021 but were impeded by the authorities. In May, the Accra High Court granted an injunction against a proposed #FixTheCountry rally, though the Supreme Court overturned that decision in June. Later in June, 11 organizers protesting in front of the Accra High Court were arrested.

#FixTheCountry supporters faced violence as 2021 continued. In late June, unidentified assailants killed #FixTheCountry supporter Ibrahim Muhammed in the town of Ejura. Protesters in Ejura rallied the day after Muhammed’s death; police and military personnel used live ammunition in subsequent clashes, killing two people and injuring at least four more.

Score Change: The score declined from 4 to 3 because the authorities responded to mid-year protests by attempting to prevent legitimate demonstrations, arresting protesters, and firing live ammunition during protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations are generally able to operate freely and play an important role in ensuring government accountability and transparency.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Under the constitution and 2003 labor laws, workers have the right to form and join trade unions. However, the government forbids or restricts organized labor action in a

number of sectors, including fuel distribution and utilities, public transportation, and ports and harbor services.

F. RULE OF LAW: 10 / 16 (-1)

F1. Is there an independent judiciary? 2 / 4

Judicial independence is constitutionally and legally enshrined. While the judiciary has demonstrated greater levels of impartiality in recent years, corruption and bribery continue to pose challenges.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Constitutional protections for due process and defendants' rights are mostly upheld. However, police have been known to accept bribes, make arbitrary arrests, and hold people without charge for longer than the legally permitted limit of 48 hours. The government is not obliged to provide the accused with legal counsel, and many people unable to afford lawyers are forced to represent themselves in court.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Prisons are overcrowded and conditions can be life threatening, though the prison service has attempted to reduce congestion and improve the treatment of inmates in recent years.

Communal and ethnic violence is known to occur in parts of Ghana. Communal violence that began in 2018 between members of the Konkomba and Chokosi ethnic groups in North East Region escalated in 2019. In 2020, the Internal Displacement Monitoring Centre reported that 2,300 people had been internally displaced by that conflict.

Islamic militants and other armed groups active in the Sahel have reportedly taken refuge in the northern reaches of Ghana in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (-1)

Despite equal rights under the law, women face societal discrimination, especially in rural areas, where their opportunities for education and employment are limited. However, women's enrollment in universities is increasing. People with disabilities face societal discrimination.

LGBT+ people face significant discrimination. Same-sex sexual activity remains criminalized, encouraging impunity for violence and harassment against LGBT+ people. LGBT+ Rights Ghana, which opened the country's first LGBT+ community center in January 2021, faced significant opposition from political and religious figures as well as violent threats. The center was raided by security officers in February and was closed by police later that month. In May, police arrested 21 people participating in a legal training workshop operated by Rightify Ghana, alleging that they sought to promote homosexuality. The participants, who were charged with unlawful assembly, were bailed in June.

A bill that would limit LGBT+ rights was also considered by Parliament in 2021. In early August, Parliament held its first reading of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill. The bill would criminalize displays of affection and cross-dressing, while those engaging in LGBT+ advocacy would face prison sentences as long as 10 years. The bill was being considered by a parliamentary committee as of December.

Score Change: The score declined from 3 to 2 because the persecution of LGBT+ people has increased—including through a wave of public harassment against the country's first LGBT+ community center, which was forced to shut down—and the authorities have contributed to the problem rather than protecting vulnerable citizens.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement is guaranteed by the constitution and is generally respected by the government. However, poorly developed road networks and banditry can make travel outside the capital and tourist areas difficult. Police have been known to set up illegal checkpoints to demand bribes from travelers. Bribery is also rife in the education sector. Authorities instituted movement restrictions during the COVID-19 pandemic.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although the legal framework generally supports property ownership and private business activity, weaknesses in the rule of law, corruption, and an underregulated property rights system remain impediments. Bribery is a common practice when starting a business and registering property.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While personal social freedoms are upheld in many respects and among large segments of the population, domestic violence and rape are serious problems, and harmful traditional practices including female genital mutilation (FGM) and early or forced marriage persist in certain regions.

The government has worked to combat gender-based violence (GBV), including by expanding the police's domestic violence and victim support units and creating special GBV courts, though such services are reportedly underresourced.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Most workers are employed in the informal sector, limiting the effectiveness of legal and regulatory safeguards for working conditions. The exploitation of children in the agricultural and mining sectors remains a problem. Similar abuses in the fishing industry have also been reported, especially in the region surrounding Lake Volta.

In its *Trafficking in Persons Report 2021*, the US State Department reported that the government was working to improve its human-trafficking response, but won no convictions against alleged sex traffickers and made little progress in the alleged involvement of government officials. The State Department also noted that law enforcement efforts remained underresourced.

Greece

Population: 10,700,000

Capital: Athens

Freedom Status: Free

Electoral Democracy: Yes

Overview: Greece's parliamentary democracy features vigorous competition between political parties and a strong if imperfect record of upholding civil liberties. Ongoing concerns include corruption, discrimination against immigrants and minority groups, and poor conditions for irregular migrants and asylum seekers.

KEY DEVELOPMENTS IN 2021

- Christos Pappas, one of the main leaders of the far-right party Golden Dawn, was arrested in July after being on the run for nine months. Pappas and many other members of Golden Dawn, which failed to win representation in the 2019 elections, were convicted of running a criminal organization in October 2020.
- A law passed in February 2021 introduced police stations on university campuses, in what the government claimed was an effort to fight crime. However, students, faculty, and staff protested the law that month and prevented its enforcement for what they saw as a threat and violation of academic freedom and expression.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The largely ceremonial president is elected by a parliamentary supermajority for a five-year term. The prime minister is chosen by the president and is usually the leader of the largest party in the parliament. Kyriakos Mitsotakis, head of the center-right party New Democracy (ND), took office as prime minister after the 2019 elections, replacing incumbent Alexis Tsipras of the Coalition of the Radical Left (SYRIZA). Katerina Sakellariopoulou, a longtime judicial official who had been nominated by ND but was also supported by SYRIZA and the center-left Movement for Change (KINAL), was elected president in January 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 300 members of the unicameral Hellenic Parliament are elected to serve four-year terms through a mixture of 8 single-member constituencies, 48 multi-member constituencies, and a national constituency with 12 seats. Under the electoral law in effect for the 2019 elections, the party with the most votes received a 50-seat bonus, making it easier to form a governing majority.

In the 2019 elections, ND won a single-party majority of 158 seats. SYRIZA lost its leading position, falling to 86 seats, while KINAL won 22. Among smaller parties, the Communist Party of Greece (KKE) took 15, the right-wing Greek Solution took 10, and the left-wing European Realistic Disobedience Front (MeRA25) secured 9. The far-right party Golden Dawn failed to win representation.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The country generally has fair electoral laws, equal campaigning opportunities, and a weakly enforced system of compulsory voting. If passed with a two-thirds supermajority, changes to electoral law are implemented for the following elections. If passed with a simple majority, they go into effect in the following elections. An electoral law passed by the SYRIZA-led government with a simple majority in 2016 abolished the 50-seat bonus awarded to the winning party and was set to take effect during the elections after those in 2019. In

January 2020, the ND government secured passage of legislation that would restore a bonus system, awarding between 20 and 50 bonus seats to the leading party depending on its share of the national vote. The new law also passed with a simple majority, meaning it would take effect only after the next elections.

In 2019, the ND government passed a law expanding the voting rights of diaspora and overseas Greek citizens. Citizens living abroad can participate in elections by proving residency in Greece for a two-year period within the last 35 years.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The political system features vigorous competition among a variety of parties. Six parties were represented in Parliament as of 2021, and many others competed in the 2019 elections but did not pass the 3 percent threshold for representation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Greece has established a strong pattern of democratic transfers of power between rival parties, with the Panhellenic Socialist Movement (PASOK) and ND alternating in government for most of the past four decades.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

No group or institution from outside the political system exerts undue influence over the choices of voters and candidates.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Greece's largest recognized minority population, the Muslim community of Thrace, has full political rights, and three members of the community won seats in the 2019 parliamentary elections. The authorities have rejected some ethnic groups' attempts to secure official recognition or to register associations with names referring to their ethnic identity, affecting their ability to organize and advocate for their political interests, though such associations are generally able to operate without legal recognition. Since 2010, documented immigrants have been allowed to vote in municipal elections.

In August 2021, the Central Board of Jewish Communities in Greece (KIS) expressed concern over the appointment of Athanassios Plevris as minister of health. KIS claimed Plevris made antisemitic remarks as a lawyer in a 2009 court case against his father, Constantinos Plevris, who was charged with inciting racism and violence for a book he published called "Jews: The Whole Truth." Plevris apologized for his comments, stating that the objections to his court statements were "understandable" and that he disagrees with his father's views.

Though there are no significant legal or practical barriers to women's political participation, women only hold a little more than a fifth of the seats in Parliament and sexist and patriarchal attitudes dissuade their active participation. In January 2020, Katerina Sakellariopoulou became the first woman to be elected as president of Greece.

C. FUNCTIONING OF GOVERNMENT: 10 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Greek elected officials generally set and implement government policies without undue interference, and the influence of international creditor institutions has receded over the past decade.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption remains a problem in Greece, and institutions tasked with combating it have inadequate resources. Tax officials in past years have been implicated in tax evasion schemes, which seriously complicate the government's fiscal reform efforts. A new criminal code and a new code of criminal procedure, adopted in 2019, allow prison time for the bribery of politicians and are more broadly aligned with relevant international conventions. However, the Organization for Economic Co-operation and Development (OECD) expressed serious concerns that the main active bribery offense was converted from a felony to a misdemeanor.

In March 2021, a special committee was created to investigate accusations against former digital governance minister Nikos Pappas for receiving bribes and rigging television licensing competition. In July, Parliament voted in favor prosecuting Pappas through a special court in collaboration with the Judicial Council and the prosecutorial authority.

C3. Does the government operate with openness and transparency? 3 / 4

Several laws and government programs are designed to ensure the transparency of official decisions and provide public access to information. Officials are required to make public declarations of their assets and income. The transparency of state procurement contracts remains a concern.

CIVIL LIBERTIES: 50 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

The constitution includes provisions guaranteeing freedom of the press, and these are generally upheld in practice, though the law imposes some limits related to defamation, hate speech, and other such content. While citizens continue to enjoy access to a broad array of print, broadcast, and online news outlets, ownership concentration and editorial interference from owners remain concerns, and the government has been accused of directing public funds toward friendly private media.

Journalists have been subject to assaults or other mistreatment, particularly while attempting to cover protests or report on migration issues. Crime reporter and journalist Giorgos Karaivaz was fatally shot outside his home in Athens in April 2021. Also in April, police arrested three suspects who had allegedly plotted to kill journalist and newspaper owner Kostas Vaxevanis, after authorities learned that someone had sought to pay for his murder. Vaxevanis had been placed under increased police protection, but no charges had officially been made against the suspects at year's end.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion, and this is generally respected in practice. However, the Orthodox Church of Greece—which has a special constitutional status as the “prevailing religion” of the country—receives government subsidies, and its clergy's

salaries and pensions are paid for by the state. The constitution prohibits proselytizing, but this restriction is rarely enforced. Members of some minority religions face discrimination and legal barriers, such as permit requirements to open houses of worship.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no significant constraints on academic freedom in Greece, and the educational system is free of political indoctrination. A law passed in February 2021 introduced police stations on university campuses, in what the government claimed was an effort to fight crime. However, students, faculty, and staff protested the law that month and prevented its enforcement for what they saw as a threat and violation of academic freedom and expression.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government does not engage in improper monitoring of personal expression. Individuals are generally free to discuss their views in practice.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is guaranteed by the constitution, and the government generally protects this right. However, some protests have become violent, and police at times have used excessive force to disperse demonstrators. In March 2021, police violently dispersed protestors demonstrating in solidarity with Dimitris Koufontinas, a member of the November 17 terrorist organization who is serving multiple life sentences and went on a hunger strike after being denied a prison transfer. Protests broke out in October in Athens, Corinth, and Patra after a Romany man was killed by police while surrendering to them. Groups of Roma protesters blocked highways and clashed with riot police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) generally operate without interference from the authorities. However, during 2020 the government made a series of changes to the registration requirements for organizations working on asylum and migration issues, generally increasing the regulatory burden on NGOs. In October 2021, 19 testimonies from a hearing of human rights defenders exposed a concerted effort by Greek authorities to undermine civil society groups that work on migration issues, including through the initiation of criminal investigations to harass groups investigating abuses of migrants.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Most workers have the right to form and join unions, bargain collectively, and strike. The law provides protections against discrimination toward union members, and the government generally upholds union rights.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 3 / 4

The judiciary is largely independent, though its autonomy is undermined somewhat by corruption. Judges are appointed by the president on the advice of the Supreme Judicial Council, which is mostly composed of other judges. They serve until retirement age and cannot be removed arbitrarily.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The law provides safeguards against arbitrary arrest and detention, ensures access to defense counsel, and provides for fair trial conditions. Persistent problems include court backlogs that lead to prolonged pretrial detention as well as improper detention of asylum seekers.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While overall rates of violent crime are low, there are occasional acts of politically motivated violence and vandalism by left- or right-wing extremist groups. In March 2021, police in Nea Smyrni Square in Athens violently attacked a citizen while enforcing COVID-19-related restrictions. A police officer was suspended following the incident.

Some prisons and detention centers suffer from substandard conditions, and law enforcement personnel have been accused of physical abuse, particularly against vulnerable groups such as migrants and asylum seekers.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women generally enjoy equality before the law, though they continue to face workplace discrimination in practice. In January 2021, Greek Olympic gold medalist Sofia Bekatorou publicly discussed her experience being sexually assaulted by a former coach. Bekatorou's revelations paved the way for a nascent #MeToo movement in Greece, in which women more actively and publicly discuss instances of sexual harassment and assault they have experienced. The government responded by proposing legislation in February that facilitate people's ability to report these incidents and establish harsher punishments for perpetrators.

Violence targeting immigrants, refugees, and LGBT+ people remains a problem. Roma are also subject to discrimination and excessive policing despite legal protections. In October 2021, a young Romany man was killed by police after being caught driving a stolen vehicle. Testimony from a Romany youth in the car revealed that they had surrendered immediately with their hands over their heads after being stopped, but the police still shot at them with about 30 rounds of ammunition.

Christos Pappas, one of the main leaders of the far-right party Golden Dawn, was arrested in July 2021 after being on the run for nine months. Pappas and many other members of Golden Dawn, which failed to win representation in the 2019 elections, were convicted of running a criminal organization in October 2020.

Over 4,300 migrants and refugees entered Greece by sea and more than 4,800 entered by land during 2021, as reported by the Office of the UN High Commission for Refugees (UNHCR), the lowest numbers since the refugee crisis began several years ago. Many refugees are housed in Reception and Identification Centers on the Aegean islands or in camps on the mainland. Within those centers' inhumane living conditions, problems range from at times fatal violence, harassment of women, and endangerment of children. NGOs successfully pressured authorities to attempt to close the worst facilities by the end of 2021 and increase the use of urban accommodation on the mainland. Many relocation attempts are protested by Greek communities.

Greek authorities have been accused of forcibly returning migrants and asylum seekers who attempt to enter irregularly from Turkey by land and sea, and multiple cases of such pushbacks were documented in 2021. The government has denied these allegations, though the UNHCR and other organizations called for independent border monitoring in September 2021. In October, Afghani women and children refugees on the island of Lesbos had their

documents and belongings confiscated and were returned to sea, later to be discovered by the Turkish Coast guard. Greek authorities claimed they were enforcing European Union (EU) immigration rules while complying with international law.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is generally unrestricted for most residents. The government imposed periodic public health restrictions in 2021, including a COVID-19 vaccine mandate for healthcare workers. Many healthcare workers criticized the mandate, protesting the decision in Athens in August.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The government and legal framework are generally supportive of property rights and entrepreneurship, but bureaucratic obstacles can inhibit business activity. Those who have political connections or are willing to pay bribes can sometimes expedite official procedures. To pressure tax-evading property owners who misrepresent the value of their assets, the Independent Authority for Public Revenue announced significant fines for this offense in 2019.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

There are no major constraints on personal social freedoms, though domestic violence remains a problem. In May 2021, a controversial new law granted joint custody of children to divorced parents. Human rights groups warned that the law does not protect children from abusive parents.

In 2021, 17 women were murdered by current or former partners who are men. Rights groups have criticized a culture of impunity for gender-based violence and the fact that femicide is not a separate offence in the penal code. Despite pressure placed on the government to codify punishments for femicide, the issue was resolved unresolved at year's end. In December, President Sakellariopoulou inaugurated the Centre for the Fight against Gender-Based Violence in Athens to provide a safe place for victims and promote legal services.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Most residents enjoy legal protections against exploitative working conditions, but labor laws are not always adequately enforced. Migrants and asylum seekers are especially vulnerable to trafficking for forced labor or sexual exploitation, and government efforts to combat the problem, while increasing, remain insufficient, according to the US State Department.

Grenada

Population: 100,000

Capital: St. George's

Freedom Status: Free

Electoral Democracy: Yes

Overview: Grenada is a parliamentary democracy that regularly holds credible elections. Ongoing concerns include corruption, discrimination against LGBT+ people, and violence against women and children.

KEY DEVELOPMENTS IN 2021

- The credibility of the country's Citizenship by Investment (CBI) Program was damaged by two high-profile resignations from the program's board of directors in February and May. Local media outlets reported that the board members resigned due to the prime minister's alleged interference with the CBI's work, including ordering the board to approve applicants outside of standard procedures.
- Throughout the year, teachers and other public sector workers held large demonstrations, calling on the government to uphold a previously reached agreement to provide a salary increase for public sector employees. Though the protests were peaceful, participants were confronted by hundreds of Grenadian security forces in a "massive show of force" that opposition leaders claimed was intended to stifle criticism of the government.
- In June, the results of an investigation into the management of the Grenada Olympic Committee (GOC) were published, revealing that the GOC was unable to account for nearly \$500,000 in grant funding. The investigation also found other irregularities within the GOC's finances, including instances of inflated invoicing allegedly issued by the GOC's general secretary, Veda Bruno-Victor; she remained in her post at year's end.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister, usually the leader of the largest party in Parliament, is head of government. The prime minister is appointed by the governor general, who represents the British monarch as head of state.

Following the March 2018 elections, New National Party (NNP) leader Keith Mitchell was sworn in for a second consecutive term as prime minister. Cécile La Grenade was sworn in as Grenada's first woman governor general in 2013.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral parliament consists of the directly elected, 15-seat House of Representatives, whose members serve five-year terms, and the 13-seat Senate, which is appointed by the governor general. Ten Senate seats are appointed on the advice of the prime minister, and the remaining three on the advice of the opposition leader; senators also serve five-year terms.

The NNP won the elections held in March 2018, capturing all 15 seats in the House of Representatives. The electoral observation mission of the Organization of American States (OAS) expressed concern over a lack of campaign finance regulations and other issues but deemed the polls credible.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair, and they are usually implemented impartially by the supervisor of elections, who heads the Parliamentary Elections Office.

In Grenada's 2016 constitutional referendum, all proposals failed to pass—including setting a three-term limit for the prime minister, establishing fixed dates for elections, and reforming the electoral authority and the body that sets constituency boundaries.

The unbalanced size of constituencies has resulted in unequal voting power among citizens. For example, in a country of 100,000 people, the largest of Grenada's 15 constituencies has around 6,000 more registered voters than the smallest.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties can organize freely. While a number of small parties have competed in elections, the first-past-the-post system encourages two-party politics, and since 1999 only the NNP and National Democratic Congress (NDC) have won seats in Parliament. Additionally, weak campaign finance laws potentially create an unfair advantage for certain parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are realistic opportunities for opposition parties to increase their support or gain power through elections, and power has rotated on several occasions since the first election in 1984, after democracy was restored to Grenada. However, the NNP has won a majority of the elections since then, and the NDC failed to win any seats in the House of Representatives in both the 2013 and 2018 elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People are generally able to express their political choices without encountering pressure from outside actors. However, the OAS has expressed concern about a lack of transparency and regulation of campaign finance procedures, which could create avenues for undue influence over candidates and voters by business or other special interest groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Grenada's constitution guarantees universal suffrage for adult citizens. Political representation largely reflects a population that is over 90 percent of African or mixed descent. However, other ethnic groups have a voice in politics and are represented in Parliament. Women remain underrepresented in politics, though 7 out of 15 seats in the House of Representatives were won by women in 2018. Women's advocacy groups have influence in the general political sphere. The marginalization of LGBT+ people impacts their ability to engage fully in political and electoral processes.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The appointed prime minister and cabinet and freely elected representatives are able to determine the policies of the government. However, because of concerns over the lack of an opposition in the House of Representatives, NDC members were appointed to the Senate after the 2013 and 2018 elections.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption remains a prominent issue in Grenada, despite safeguards enshrined in the Prevention of Corruption Act and the Integrity in Public Life Act. Several suggested amendments in the 2016 constitutional reform package would have strengthened anticorruption safeguards, but all were voted down by significant margins.

Grenada's CBI Program, which allows foreigners to gain citizenship through an economic investment in the country, continues to trouble some analysts due to the potential for fraud and abuse, despite the tightening of rules governing it in 2017. Concern about the CBI's susceptibility to corruption was heightened again in 2021, when two CBI board members resigned after accusing the prime minister of interfering in the program's work, including by ordering the board to approve applicants outside of standard procedures.

Opposition leaders also expressed concern about the confirmation of Justin Sun, a Chinese tech entrepreneur, as Grenada's permanent ambassador to the World Trade Organization (WTO) in December, calling for "transparency and accountability" in order to avoid the "mismanagement of national assets."

In June, an investigative report—ordered after the Grenada Olympic Committee (GOC) was unable to account for nearly \$500,000 in funding from the International Olympic Committee (IOC)—was released, leading to renewed questions about the effectiveness of Grenada's anticorruption safeguards. The investigation, led by the GOC's finance committee, found that the GOC's finances contained "massive" irregularities, including fraudulent invoices allegedly issued by the GOC's general secretary, Veda Bruno-Victor. She remained in her post at year's end.

C3. Does the government operate with openness and transparency? 3 / 4

The government of Grenada generally operates with transparency. All public officials are required to declare their assets. An appointed commission monitors and verifies declarations but does not disclose them publicly except in court. Grenadian laws permit authorities to request financial information about its citizens residing abroad in an effort to prevent tax avoidance. The Fiscal Responsibility Oversight Committee has noted that the opacity of data involving state-run entities and other financial liabilities has impeded the committee from fulfilling its role.

There is no law to ensure public access to information, even though the government has pledged to introduce such an act.

CIVIL LIBERTIES: 52 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

In 2012, Grenada became the first Caribbean country to decriminalize defamation, but seditious libel remains a criminal offense. Politicians have initiated lawsuits against the media, contributing to self-censorship among journalists.

Press freedom advocates have criticized censorship at the country's largest broadcaster, the Grenada Broadcasting Network (GBN), which is partly owned by the government. In September 2021, local media outlets reported that the government had ordered the National Lotteries Authority and the Housing Authority of Grenada to cease their advertising with GBN, allegedly in response to GBN's coverage of carnival activities, which took place in August despite a COVID-19-related ban on such gatherings.

In December 2019, NNP senator Winston Garraway was charged with assault after allegedly physically confronting a female journalist. In May 2021, the prime minister

publicly condemned the charges as “frivolous”; Garraway’s trial began the same month after several delays.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected under the constitution and is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government generally respects academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are free to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally guaranteed, and that right is generally respected. However, multiple COVID-19-related states of emergency temporarily limited social gatherings in 2020 and 2021. Though many emergency measures had been lifted by December 2021, including a government-imposed curfew, several restrictions remained in place at year’s end.

Throughout 2021, hundreds of teachers and other public sector workers protested against the government’s failure to comply with a previously agreed salary increase for public sector employees. The protests were met by hundreds of Grenadian security forces in a “massive show of force” that opposition leaders claimed was intended to intimidate protesters and discourage further criticism of the government. Jude Bartholomew, the head of the teachers’ union, also criticized the government’s actions during the protests, saying he feared that Grenada was turning into a “military state.” Bartholomew was briefly detained by police in April for allegedly breaching social distancing protocols during protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are generally free to operate.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The right of workers to form and join labor unions is constitutionally protected, though unions and labor activists face some obstacles. Workers have the right to strike, organize, and bargain collectively, though employers are not legally bound to recognize a union if a majority of workers do not join. Essential services workers may strike, but compulsory arbitration can be used to resolve disputes. The list of essential services is extensive and includes services that should not be considered as such according to International Labour Organization (ILO) standards.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

An independent judiciary is constitutionally guaranteed. Courts have demonstrated independence in recent years. There has not been tangible evidence of political interference

in the judiciary in recent years. In June 2021, a High Court judge ruled that the Grenada Bar Association (GBA) could proceed with a case asking for the government to properly fund the court system.

Grenada is a member of the Organization of Eastern Caribbean States court system and is a charter member of the Caribbean Court of Justice, but the judiciary relies on the Judicial Committee of the Privy Council in London as its final court of appeal.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Detainees and defendants are guaranteed a range of legal rights, including the presumption of innocence and the right to trial without delay, which are mostly respected in practice. However, case backlogs have rendered trial delays common in practice. Additionally, staffing shortages prevent the state from providing legal counsel to some indigent defendants.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Grenada is free from war and insurgencies. Flogging remains a punishment for petty crimes. Prison conditions are poor, and as of August 2021, the occupancy rate was over 184 percent, very high by regional standards. Although considered one of the safer Caribbean islands, there has been a rise in reports of sexual assault in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Same-sex sexual activity between men is a criminal offense, although the law is rarely enforced. In October 2020, the Director of Public Prosecutions declined to pursue charges against two men who were engaged in sex in a video that was circulated online, labeling the provision of the criminal code “obsolete.” Nonetheless, LGBT+ people face significant societal discrimination; one of the men in the video said that he had received death threats and experienced hostile treatment from the public.

The law does not prohibit discrimination in employment or occupation regarding sexual orientation, HIV-positive status, or gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is constitutionally guaranteed, and this right is generally respected in practice.

The right to change employment is also generally respected. However, since October 2021, the government has prohibited individuals who have not been vaccinated against COVID-19 from certain types of employment, including work in restaurants and hotels.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The government of Grenada has encouraged both national and foreign investors to operate businesses in the country, but procedures involved in establishing a new business are onerous. In July 2021, the International Centre for Settlement of Investment Disputes (ICSID) agreed to hear a case brought by a development firm against the Grenadian government. The company, which planned to build a resort, claimed that the government’s arbitrary and unlawful conduct amounted to “indirect expropriation,” and had stopped the successful completion of the project. The proceedings were ongoing at year’s end.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Violence against women and children is a widespread issue in Grenada. According to a 2018 survey released in August 2020, 29 percent of Grenadian women reported experiencing physical or sexual violence in their lifetime. Domestic violence legislation came into effect in 2011, but enforcement has been limited.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Poverty and unemployment are pervasive and hamper the social mobility of many Grenadians. In 2018, Grenada ratified the ILO's Domestic Workers Convention, to improve work conditions of domestic workers, who are mainly women. It came into effect in November 2019. Children are not explicitly prohibited from doing hazardous work.

A 2015 law punishes human trafficking with up to 25 years in jail and large fines. However, reports of human trafficking are rare.

Guatemala

Population: 18,400,000

Capital: Guatemala City

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: While Guatemala holds regular elections that are generally free, organized crime and corruption severely impact the functioning of government. Violence and criminal extortion schemes are serious problems, and victims have little recourse to justice. Journalists, activists, and public officials who confront crime, corruption, and other sensitive issues risk attack.

KEY DEVELOPMENTS IN 2021

- In July, the attorney general arbitrarily fired the head of the of the Special Prosecutor's Office against Impunity (FECI), Juan Francisco Sandoval, in violation of local and international laws, causing him to leave the country for fear of further retaliation. Sandoval had been investigating individuals within the president's network for suspected acts of corruption. His removal was one of several measures taken by the attorney general to undermine efforts to curb corruption.
 - In March, Congress pushed through the election of a new Constitutional Court made up of magistrates with links to corrupt actors and with known conflicts of interest. The legislature has also refused to allow Gloria Porras, a leading figure in efforts to tackle corruption, to assume her position as head of the Constitutional Court despite winning reelection that month. Porras is one of at least five justice officials forced into exile in the last few years.
 - In October, the government decreed a 30-day state of siege in the El Estor municipality, where security forces clashed with peaceful Indigenous demonstrators protesting the continued operation of a mine despite a court order that suspended its license. Security forces used excessive force, including tear gas, against protesters, and the government enforced a curfew to end the demonstrators' roadblocks.
-

POLITICAL RIGHTS: 21 / 40**A. ELECTORAL PROCESS: 7 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The constitution stipulates a four-year presidential term and prohibits reelection. In the August 2019 runoff, Alejandro Giammattei of the Vamos party won 58 percent of the vote, defeating former first lady Sandra Torres of the center-left National Unity for Hope party (UNE). While the results were judged as credible, Organization of American States (OAS) electoral observers noted irregularities including disturbances, ballot burning, voter intimidation, and acts of violence. Giammattei took office in January 2020.

The campaign was also marked by successful efforts to disqualify presidential candidates. Union of National Change (UCN) candidate Mario Estrada was disqualified after he was arrested on charges of drug trafficking in the United States in 2019, and Zury Ríos, the Valor party candidate and daughter of Efraín Ríos Montt, was disqualified because of a legal provision that bars members of his family from holding office. Former attorney general Thelma Aldana, who pursued a high-profile corruption case against former president Otto Pérez Molina, was barred and fled the country after receiving threats, allegedly issued by the targets of her investigations.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the unicameral, 160-seat Congress are elected to four-year terms. Legislators were elected in June 2019, concurrently with the first round of the presidential election and mayoral races. The UNE won 53 seats while Giammattei's Vamos party won 16 seats. The UCN won 12, and the remaining 79 seats were split between 16 parties, none of which won more than 10 seats.

The 2019 election results were deemed credible, but observers noted irregularities, disturbances, and threats of violence. A number of local races were nullified or rescheduled by the Supreme Electoral Tribunal (TSE) due to death threats against electoral officials and violent incidents. Election monitors received complaints from women officeholders and candidates who reported discrimination.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

In March 2020, after months of delay, Congress elected new TSE magistrates (2020–26) in a session featuring little transparency. Several of those elected are reportedly associated with officials accused of corruption and drug trafficking, and have been accused of falsifying their academic titles.

In February 2021, the new TSE submitted to Congress reforms to the electoral law that would backtrack some of the key reforms adopted in 2016, including provisions that would reinstitute the practice of switching party affiliation, or *transfugismo*, for legislators, weaken the oversight role of the TSE, and reduce the sanctions against political parties that violate electoral norms. If approved by January 2023, the general elections scheduled to be held that year will be held under the new system.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political groups and organizations generally operate without encountering legal restrictions. However, new groups sometimes face bureaucratic delays from the TSE when attempting to register.

Elections take place within an inchoate multiparty system in which new parties are frequently created, often without sufficient resources and infrastructure to gain broad support. A historic lack of party finance regulations has allowed some candidates and parties access to vast resources.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Elections at the national and local levels are competitive, and new parties routinely gain significant quotas of power. Guatemalan politics are unstable, and power rotates between parties frequently, which can discourage a traditional opposition from coalescing. Political candidates risk attack during campaign periods; civil society organization Electoral Watch reported that at least 10 candidates were killed during the 2019 election period.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Verbal harassment and physical violence against voters are common during elections and can deter political participation. Weak campaign finance regulations have historically permitted lopsided resource advantages, as well as financing of candidates by special interests and organized criminal groups, distorting the political choices of citizens. Presidential candidate Estrada, who was arrested in the United States, was accused of promising cabinet positions to Sinaloa drug cartel associates in return for their support. Observers reported that armed groups and criminal organizations have attempted to sway the results of local races. Direct vote buying is also common.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Members of ethnic and other minority groups struggle to fully exercise their political rights. There are no affirmative measures in place to promote the election of representatives of Indigenous peoples, who are underrepresented despite accounting for as much as 60 percent of the population. There are 16 Indigenous members of Congress, 4 of whom are women, and approximately 25 percent of mayors elected in 2019 were Indigenous. No Indigenous persons or Afro-Guatemalans currently hold cabinet-level positions.

Women are underrepresented in politics, though small women's rights groups, mainly those working on addressing violence against women, have some visibility in the political sphere. President Giammattei appointed three women ministers to his cabinet but two left their posts. Women hold only 31 seats in Congress, and only 11 mayorships out of 340.

The first openly gay man to enter Congress was elected in 2019; in 2020, he was the target of attacks and homophobic messages from fellow legislators. Political opportunities remain rare for LGBT+ people.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The elected government and legislature determine government policies, but they are frequently subject to influence by outside interests. President Giammattei came to the presidency backed by a group of former military officials; such networks possess significant

economic power and frequently oppose the peace process that Guatemala has been fitfully implementing since 1996.

Business groups continue to hold significant sway over the executive and legislative branches, and to serve on the governing bodies of various public institutions.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption, which is often related to organized crime, remains a serious problem. Since the 2019 closure of the government's anticorruption unit, called the International Commission against Impunity in Guatemala (CICIG), authorities and lawmakers have obstructed the fight against corruption; prosecutions have stalled; and many high-profile cases have lost momentum. Judges, prosecutors, and civil society actors committed to tackling corruption have increasingly been the targets of physical attacks, threats, malicious lawsuits, and defamation campaigns. In September 2021, the Constitutional Court overturned a law that attempted to hold corrupt officials accountable. The law had barred individuals from paying a fine instead of serving a prison sentence for corruption of five years or less.

Attorney General María Consuelo Porras has attempted to undermine efforts to curb corruption in recent years. In July 2021, Porras arbitrarily fired the head of the of the Special Prosecutor's Office against Impunity (FECI), Juan Francisco Sandoval, in violation of local and international laws, causing him to leave the country for fear of further retaliation. Sandoval had been investigating individuals within the president's network for suspected acts of corruption.

Recent investigations of electoral and party finance corruption have shed light on the influence of unelected and illicit groups over the government. Serious allegations link drug trafficking to political elites. In July 2021, a US State Department report claimed that several individuals, including current and former Guatemalan government officials, are suspected of corruption.

The government's easing of procurement regulations to combat the COVID-19 pandemic provided opportunities for corruption and decreased access to government information. In September, the minister of health resigned after weeks of demonstrations against the government's handling of the pandemic and the collapse of the hospital network.

C3. Does the government operate with openness and transparency? 1 / 4

Public information offices frequently fail to publish data about public expenditures as required. The Law on Access to Information is poorly enforced, and dedicated nongovernmental organizations continue to file grievances over its nonapplication and, together with the Human Rights Ombudsperson's Office, work to encourage the government to adhere to its provisions.

Contracting and budgeting processes are opaque and racked with corruption, which worsened during the COVID-19 pandemic due to the easing of procurement requirements.

CIVIL LIBERTIES: 30 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16

D1. Are there free and independent media? 2 / 4

While the constitution protects freedom of speech, journalists self-censor when covering sensitive topics including drug trafficking, corruption, organized crime, and human rights violations. Public officials, illicit actors, the police, and individuals aligned with companies operating on Indigenous lands routinely threaten media workers. Physical attacks against journalists occur regularly. Throughout 2021, the Guatemalan Association of Journalists recorded 135 attacks and threats against journalists. At least one journalist was

killed during the year; in July, activist and journalist Frank Stalyn Ramazzini was killed in Guatemala City. Reporters have demanded that the government implement a 2012 protection program, but little progress has been made.

Rural, Indigenous, and women journalists are afforded little protection from discrimination, threats, and frivolous legal action, and reporters covering regional news suffered attacks and detentions on several occasions in 2021. In October, at least four journalists from *Prensa Comunitaria* were allegedly attacked while covering the El Estor demonstrations, and others were also reportedly harassed and had equipment confiscated. Journalists Marvin del Cid and Sonny Figueroa, who have investigated alleged corruption within the current government, continued to face repeated threats and harassment throughout the year.

Media ownership is also highly concentrated. The country's cybercrime laws have failed to protect outlets and reporters from harassment by trolls for hire, while public officials abuse unrelated laws to censor media outlets.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees religious freedom, and individuals are free to practice and express their religious faith or nonbelief.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Although the government does not interfere with academic freedom, scholars have received death threats for questioning past human rights abuses or continuing injustices.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Many Guatemalans take precautions when speaking about social and political issues outside of their homes due to a high level of insecurity in the country. Journalists and human rights defenders have reported incidents of harassment and surveillance, which, along with increased intimidation and harassment of perceived opponents of the government, has encouraged greater self-censorship among ordinary citizens.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but this right is not always protected. Police frequently threaten and at times use violence against protesters. Protests related to environmental or Indigenous rights have been met with harsh resistance from the police and armed groups.

The Giammattei administration has declared states of prevention and siege, emergency measures that enable the government to restrict constitutional guarantees, in response to protests. In October 2021, the government decreed a 30-day state of siege in the El Estor municipality, where security forces clashed with peaceful Indigenous demonstrators protesting the continued operation of a mine despite a court order that suspended its license. Security forces used excessive force, including tear gas, against protesters, and the government enforced a curfew to end the demonstrators' roadblocks.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The constitution guarantees freedom of association, and a variety of nongovernmental organizations (NGOs) operate. However, groups associated with Indigenous, environmental, and human rights face increasing violence and criminalization of their work. Between January and July 2021, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFE-GUA), a human rights NGO, documented 551 attacks against human rights defenders, 42 percent of which were against women. Five activists were murdered throughout the year.

The government has failed to fulfill the obligations of a 2014 ruling by the Inter-American Court of Human Rights (IACHR) requiring the development of a comprehensive public policy to protect human rights defenders. Advocates have criticized the closure of several agencies that were central to implementation of human rights provisions of the 1996 peace accords.

In February 2020, legislators amended the law governing NGOs to introduce a more onerous registration process, expand the state's authority to deregister groups, and restrict NGOs' control of funds received from abroad. Though the Constitutional Court suspended the amendment the next month, in May 2021, the new Constitutional Court overturned the previous court's decision. In August, the government issued new regulations requiring foreign NGOs to register with the Ministry of Interior, which was also given broad discretionary authority to disband civil society groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Guatemala is home to a vigorous labor movement, but workers are frequently denied the right to organize and face mass firings and blacklisting. Trade union members are also subject to intimidation, violence, and murder, particularly in rural areas. Labor laws obstruct union membership and impede strikes.

F. RULE OF LAW: 5 / 16 (-1)

F1. Is there an independent judiciary? 1 / 4 (-1)

The judiciary is hobbled by corruption, inefficiency, incapacity, and the intimidation of judges, prosecutors, and witnesses by outside actors and influential judicial figures.

In March 2021, Congress pushed through the election of a new Constitutional Court made up of magistrates with links to corrupt actors and with known conflicts of interest. The legislature also refused to allow Gloria Porras, a leading figure in nationwide efforts to tackle corruption, to assume her position as head of the Constitutional Court despite winning reelection that month. She is one of at least five justice officials forced into exile in the last few years.

Corruption also affected the process to select new Supreme Court and appellate court judges. In 2019, the Constitutional Court ordered Congress to restart and select magistrates to those courts, after the FECCI uncovered a network of corrupt actors, including individuals within the judicial system, who sought to influence judicial nominations. However, Congress has still refused to abide by the ruling as of the end of 2021. Prosecutors and judges who demonstrate independence have been targeted with politically motivated lawsuits.

International organizations have documented an increase in attacks, reprisals, and defamation campaigns against independent prosecutors and judges, particularly those tackling corruption and human rights abuses. According to UDEFEGUA and the IACHR, as of October 2021 independent judges had been targeted in 189 attacks and 51 judges had concerning legal proceedings against them, including motions to lift their immunity.

Score Change: The score declined from 2 to 1 due to politicized interference in the election of Constitutional Court magistrates, and because Congress continued to delay the installation of Supreme Court judges who had been set to assume office in 2019.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are guaranteed in the constitution, but those rights are inconsistently upheld, due in part to corruption in the judiciary and an ineffective police force in which many officers routinely violate the law and the rights of citizens. Access to justice remains difficult, especially for Indigenous people. Conviction rates are low.

Judges and prosecutors have reported an increase in threats and harassment, smear campaigns, and malicious criminal and disciplinary complaints in apparent retaliation for their work on sensitive cases related to corruption and human rights abuses. Head of the Office of the Human Rights Ombudsman (PDH) Jordán Rodas, regarded as an independent advocate for human rights, has faced criminal complaints, legislative motions for his removal for promoting sexual and reproductive rights (including abortion rights), and the rerouting of his funds for his office by Congress.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

High levels of violence, kidnappings, and extortion at the hands of the police, drug traffickers, and street gangs continue, with related fears and violence routinely affecting the lives of ordinary people. Links between the state, politicians, the military, and illicit actors complicate a cohesive response to the country's security challenges. The country's homicide rate increased for the first time in 11 years in 2021; 2,843 homicides were recorded by the police. Prison facilities are grossly overcrowded and rife with gang and drug-related violence and corruption. Prison riots are common and are frequently deadly.

The Giammattei administration has also declared states of siege, which restrict constitutional guarantees and allow for the deployment of security forces. Authorities have at times justified such measures on the presence of armed groups and the need to restore order.

Efforts to bring perpetrators of past human rights abuses to justice experienced significant setbacks in 2021. In June, a judge ruled that 6 of 12 former security officials arrested in connection to the Death Squad Dossier would face trial for grave human rights violations. However, later that month, members of the Valor Party introduced a bill that would exempt perpetrators of grave human rights violations committed during the war from prosecution. Moreover, the judge and prosecutors assigned to the case were targeted by threats and intimidation, and in October the chief prosecutor was transferred to another unit.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Equal rights are guaranteed in the constitution, but minorities continue to face unequal treatment. Indigenous communities suffer from high rates of poverty, illiteracy, and infant mortality. Indigenous women are particularly marginalized. Discrimination against the Mayan community is a major concern.

LGBT+ people face discrimination, violence, and police abuse and are unprotected by legislation. The PDH has stated that people living with HIV/AIDS also face discrimination.

The constitution prohibits discrimination based on gender, but women continue to face gender-based inequality; women are usually paid less for their labor than men, and sexual harassment in the workplace is not penalized.

In February 2021, the agreement with the US government that forced migrants passing through Guatemala to claim asylum there first was suspended.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

While there are no permanent restrictions on free movement, violence and the threat of violence by gangs and organized criminal groups inhibits this right in practice and has prompted the displacement of thousands of people. Guatemalans have their free movement restricted due to government-imposed states of siege and prevention.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Protections for property rights and economic freedom rarely extend beyond Guatemalans with wealth and political connections. Land protections are especially limited for Indigenous people, particularly Indigenous women, despite a series of Constitutional Court rulings in 2020 that reinforced communal landholding rights in Indigenous communities. In October 2021, protests in El Estor denounced a mining project that continued to operate despite a Constitutional Court order that temporarily suspended operations. The 2019 court order cited the project's failure to implement proper consultations with the local Indigenous population and for oversight in its environmental impact report.

Business activity is hampered by criminal activity, including extortion and fraud. An inefficient state bureaucracy, rife with unclear and complicated regulations, also contributes to difficulties in establishing and operating a business.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Physical and sexual violence against women and children remains high, with perpetrators rarely facing prosecution. According to the National Institute of Forensic Sciences (INACIF), 652 women were murdered in 2021.

The law permits abortion only when a pregnancy threatens the life of the woman. Teen pregnancy remains high; in 2017, underage marriages were outlawed, though the law is not effectively enforced.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Indigenous peoples' access to economic opportunities and socioeconomic mobility remains limited, with more than 70 percent of the population living in poverty. Income distribution across the entirety of the Guatemalan population is among the most unequal worldwide, with the wealthiest 10 percent of the population receiving nearly 50 percent of the total income nationally. Significant barriers to accessing education persist, particularly for girls, Indigenous children, and rural residents. These obstacles were exacerbated by the COVID-19 pandemic, which shuttered classrooms throughout the country. Hurricanes Eta and Iota, which struck in November 2020 and left tens of thousands displaced, caused widespread damage largely in majority-Indigenous areas and further deepened these challenges.

Child labor persists, especially among Indigenous children. Sexual exploitation particularly affects vulnerable groups including children, LGBT+ people, and Indigenous people. Gangs often force children and young men to join their organizations or perform work for them.

Guinea

Population: 13,500,000

Capital: Conakry

Freedom Status: Not Free

Electoral Democracy: No

Status Change: Guinea's status declined from Partly Free to Not Free because military commanders seized power in a coup, removing President Alpha Condé and dissolving the legislature.

Overview: Guinea experienced a transition to civilian rule in 2010, following a 2008 military coup and decades of authoritarian governance. The subsequent years were marked by ethnic division, corruption, a crackdown on dissent, and the abuse of civilians by security forces. Military officers launched another coup in September 2021, suspending the constitution and detaining the president. The junta vowed to preside over a return to civilian rule but did not immediately set a date for elections.

KEY DEVELOPMENTS IN 2021

- In September, the civilian government was overthrown in a coup led by Lieutenant Colonel Mamady Doumbouya, the head of the special forces. The military junta suspended the 2020 constitution, dissolved the National Assembly, and detained President Condé. Doumbouya was sworn in as interim president in October.
- The Economic Community of West African States (ECOWAS) condemned the coup and suspended Guinea's membership. ECOWAS also moved to impose travel bans on coup leaders and freeze their financial assets.
- In late September, the junta released a transitional charter that specified the structure of the transitional government. The charter established a National Committee for Reunification and Development (CNRD), headed by Doumbouya, along with an 81-member National Transitional Council (CNT), which was tasked with drafting a new constitution. The charter did not include a date for new elections.

POLITICAL RIGHTS: 10 / 40 (-4)

A. ELECTORAL PROCESS: 1 / 12 (-3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-2)

The president was elected by popular vote for up to two six-year terms under the 2020 constitution. That constitution included language that was interpreted as a reset of the term count for then president Alpha Condé, who had already served two five-year terms under the previous constitution. Condé won a third term in the October 2020 election; the immediate postelection period was marred by a violent crackdown on opposition protests in Conakry along with disruptions to telecommunications service.

In September 2021, military commanders led by Lieutenant Colonel Mamady Doumbouya overthrew the government. Condé was initially held incommunicado by the junta, though he was sent to house arrest in November and remained there at year's end. Later in September, the junta introduced a transitional charter, which established the CNRD—headed by Doumbouya—as a transitional governing body. CNRD members are prohibited from contesting future elections. Doumbouya was sworn in as interim president on October

1, serving a term with no specified end date. Later that month, Mohamed Béavogui, a civilian, was appointed as prime minister.

Score Change: The score declined from 2 to 0 because a military junta seized executive power in a coup, replacing the elected civilian president with a military leader whose interim presidency had no fixed end date.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-1)

The National Assembly had 114 seats; 76 members were elected via nationwide proportional representation, while another 38 were elected in individual districts. Members served five-year terms. Condé's Rally of the Guinean People (RPG) won 79 seats in the March 2020 elections, which opposition groups largely boycotted. The parliament was dissolved following the September 2021 military coup.

The transitional charter specified the establishment of the 81-member CNT, which was responsible for drafting a new constitution. CNT members were to be appointed from political parties, the security forces, the trade union movement, the business sector, and civil society. Members of the Condé administration were barred from participating in the CNT, while CNT members were prohibited from contesting future elections. The CNT's membership was not finalized by year's end.

Score Change: The score decreased from 1 to 0 due to the dissolution of the National Assembly following the military coup.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The Guinean electoral framework has allowed credible elections to proceed in the past, though the composition of electoral bodies has caused disagreement.

The 2020 constitution, which was approved in a referendum held concurrently with that year's parliamentary elections, instituted six-year terms for the president, up from five years under the previous charter. Its new language on term limits was interpreted as a reset for Condé's tenure, and a clause allowing independent candidates to run for president was removed from the final text. The referendum itself was marred by attacks on polling stations in opposition areas.

The constitution and the Independent National Electoral Commission were both suspended by the military junta that seized power in September 2021. The transitional charter did not specify when new elections would be held. In the wake of the coup, Guinea's ambassador to the United Nations stated that the junta would revise the voter roll ahead of elections. A December decree from the interim president transferred responsibility for managing elections and referendums to the Ministry of Territorial Administration and Decentralization.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Some 181 political parties were officially recognized as of December 2021, with most having clear ethnic or regional bases of support. While the elected National Assembly was dissolved following the September 2021 coup, political groups including the RPG and the opposition National Alliance for Democratic Change were allocated seats on the CNT.

Prior to the coup, members of the National Front for the Defense of the Constitution (FNDC), a coalition of civil society groups, political parties, and labor unions, faced intimidation and arrest. More than 350 FNDC supporters were arrested during the electoral period of late 2020, though civilian authorities released 40 supporters in April 2021, and the junta released another 79 in September. The junta allowed four FNDC members who had fled Guinea to return in September. The FNDC also received an allocation of CNT seats.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

A pattern of peaceful democratic transfers of power was not established between the 2010 transition to civilian rule and the September 2021 coup. Before becoming president in 2010, Condé was an opposition leader under longtime president Lansana Conté. However, rather than defeating an incumbent leader, Condé won the first election after a period of military rule that followed Conté's death in 2008.

Security forces have frequently attacked rallies and protests organized by the opposition, making it more difficult for opposition parties to mobilize their supporters.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The military's role in politics waned under Condé, but it returned to political dominance with the September 2021 coup. Doumbouya, the officer who led that coup, became the interim president.

Ethnic loyalty played an outsized role in the political choices of voters and party leaders under Condé. Rather than organizing around policy platforms or political ideologies and trying to attract new supporters, each party tacitly pledged allegiance to its respective ethnic group, contributing to the threat of mutual hostility and violence.

Powerful external actors voiced their support for the Condé administration during its 2019–20 campaign to win the approval of a new constitution. For example, the Russian ambassador to Guinea endorsed Condé's constitutional project in a 2019 state television appearance. There is widespread speculation that foreign-owned mining interests in Guinea, including Russian and Chinese operations, backed Condé because they viewed him as best positioned to protect their interests.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and members of minority groups have full political rights under the law, but ethnic divisions and gender bias limit their participation in practice. Under a law passed in 2019, women must constitute 50 percent of electoral lists. Parties did not adhere to older legal obligations requiring women to account for 30 percent of proportional representation lists for parliamentary elections. Female representation in the National Assembly stood at only 16.7 percent prior to the 2021 coup. The transitional charter included a 30 percent gender quota for the CNT.

C. FUNCTIONING OF GOVERNMENT: 2 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)

The legitimacy of executive and legislative officials serving under the civilian government was affected by the country's flawed electoral process. Their effectiveness was also

impeded by corruption and impunity. The country has effectively been ruled by the military since the September 2021 coup, though the prime minister appointed by the junta is a civilian.

Score Change: The score declined from 1 to 0 because the military coup left the country under the control of unelected officials.

C2. Are safeguards against official corruption strong and effective? 1 / 4

The National Anti-Corruption Agency, which reported directly to the presidency, was underfunded and understaffed. The civil service was also affected by corruption during civilian rule; an audit released in 2016 revealed that thousands of civil service positions were held by absent or deceased workers. Doumbouya announced the creation of a new anticorruption body after becoming interim president in October 2021.

Some lower-level officials have been prosecuted on corruption charges in recent years, but major cases involving senior politicians and the lucrative mining industry have mainly been pursued in foreign courts. In January 2021, for example, a Swiss court handed Israeli businessman Benjamin Steinmetz a five-year prison term and a fine of 50 million Swiss francs (\$54.1 million); Steinmetz and two codefendants were convicted of bribing the wife of late president Conté for control of iron ore deposits. Steinmetz vowed to appeal.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque. A 2010 access to information law was never implemented, and the National Assembly voted in favor of a new version in 2020. In October 2021, Reporters Without Borders (RSF) called on the junta to fully implement legislation on access to information.

CIVIL LIBERTIES: 24 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

While the 2020 constitution guaranteed media freedom, the civilian government often failed to uphold this standard in practice. Under the 2016 criminal code, those convicted of defamation or insulting public figures faced up to five years' imprisonment, contributing to self-censorship among journalists. A 2016 cybersecurity law criminalized similar offenses online, as well as the dissemination of information that is false, protected on national security grounds, or "likely to disturb law and order or public security or jeopardize human dignity." Several dozen newspapers publish regularly in Guinea, though most have small circulations. More than 60 private radio stations and some private television stations compete with Radio Télévision Guinéenne (GRT), the public broadcaster. Due to a high illiteracy rate, most of the population accesses information through radio.

Members of the press faced interference from both civilian and military authorities in 2021. In March, GRT reporter Amadou Diouldé Diallo was charged with insulting the president after he accused Condé of working to "exterminate" the Fulani ethnic group on a radio program. Diallo was fined and released in May. Several television stations were prohibited from covering Prime Minister Béavogui's October installation. Special forces personnel raided the offices of Djoma Media, which is owned by a Condé associate, the day after Béavogui took office.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious rights are generally respected in practice. Some non-Muslim government workers have reported occasional discrimination. People who convert from Islam to Christianity sometimes encounter pressure from their community.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom has historically been subject to political restrictions under authoritarian regimes. The problem was less severe under the 2010–21 civilian government, though self-censorship reduced the vibrancy of academic discourse.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Ethnic tensions and laws restricting freedom of expression may deter open debate in some circumstances. Discussion on the 2020 constitution was discouraged as the civilian government moved to harass and detain activists who addressed the subject. Social media users also faced telecommunications service disruptions ahead of the March 2020 constitutional referendum and the October 2020 presidential election.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

Freedom of assembly was enshrined in the 2020 constitution, but the civilian government restricted demonstrations in practice. Assemblies held without prior notification were often violently dispersed, leading to deaths, injuries, and arrests. Protests were also restricted on public health grounds during the COVID-19 pandemic, with the civilian government banning large gatherings in July 2021. The military junta also banned demonstrations after seizing power in September, though a public gathering to meet four FNDC members returning from exile was held in Conakry that month. The junta criticized the event.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Civil society is weak, ethnically divided, and subject to periodic interference and intimidation. Nongovernmental organization (NGO) workers and activists have faced threats, harassment, and imprisonment. Guinean NGOs have also suffered from poor access to funding, leadership struggles, the restriction of civic space, and security concerns. Civil society representatives were set to receive an allocation of CNT seats under the September 2021 transitional charter.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Although workers are allowed to form trade unions, strike, and bargain collectively, they must provide 10 days' notice before striking, and strikes are banned in broadly defined essential services. In practice, unions are relatively active. They were expected to receive CNT representation under the September 2021 transitional charter.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

While the judicial system has demonstrated a limited degree of independence since 2010, it remains subject to political influence and corruption. The judiciary also suffers from a lack of resources and personnel.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Security forces are known to engage in arbitrary arrests, often disregarding legal safeguards. Most of the incarcerated population consists of people in prolonged pretrial detention, though reforms in recent years have reduced their numbers. Due process rights pertaining to trials are frequently denied, and many disputes are settled informally through traditional justice systems.

Security personnel implicated in abuses during the 2020 electoral periods did not face significant judicial scrutiny, due in part to limited institutional capacity and the unwillingness of witnesses to participate in subsequent proceedings.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The 2016 criminal code eliminated the death penalty and explicitly outlawed torture for the first time. However, human rights advocates noted that the criminal code categorized a number of acts that fall within the international definition of torture as merely “inhuman and cruel,” a category that does not carry any explicit criminal penalties. In practice, security forces have engaged in torture and other forms of physical violence with apparent impunity.

The civilian government’s justice system largely failed to hold perpetrators accountable for atrocities committed during previous periods of military rule. In 2019, then justice minister Mohammed Lamine Fofana said the trial of 13 suspects indicted for the 2009 Conakry stadium massacre, in which more than 150 opposition protesters were killed by security forces, would be held by June 2020. The junta also vowed to try those accused of involvement in the massacre in November 2021. However, the trial had not yet commenced at year’s end. Several defendants have been in custody longer than the legal pretrial limit.

The September 2021 coup itself was marked by violence, and 12 presidential guard members were reportedly killed.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women face pervasive societal discrimination and disadvantages in both the formal and traditional justice systems. Various ethnic groups engage in mutual discrimination with respect to hiring and other matters. Antidiscrimination laws do not protect LGBT+ people. Same-sex sexual activity is a criminal offense that can be punished with up to three years in prison. Although this law is rarely enforced, LGBT+ people have been arrested on lesser charges.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Guineans enjoy some freedom of movement for both domestic and international travel, though rampant crime in some neighborhoods can be an impediment. The junta closed Guinea’s borders for one day after taking power in September 2021.

The civilian government imposed a pandemic-related overnight curfew in July 2021. The junta altered the curfew’s hours in September, though mining operations were exempt. Military authorities then lifted the general curfew in late October.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Private business activity is hampered by corruption and political instability, among other factors. A centralized Agency for the Promotion of Private Investments aims to ease the business registration process. Following recent reforms, property registration processes have become faster and less expensive.

Women face gender-based disadvantages in laws and practices governing inheritance and property rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Rape and domestic violence are common but underreported due to fears of stigmatization, and there is no specific legislation meant to address domestic abuse. Female genital mutilation (FGM) is common despite a legal ban; in 2016, the Office of the UN High Commissioner for Human Rights reported that 69 percent of 20- to 24-year-old women were subjected to FGM before their 10th birthday. The 2016 criminal code set the legal age for marriage at 18, but early and forced marriages have remained common.

In 2019, the parliament amended the civil code to make monogamy the general regime of marriage, except when there is “explicit agreement” on polygamy from the first wife. This represented a significant change from a bill passed in late 2018, which Condé had rejected because it simply legalized the widespread practice of polygamy.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The 2016 criminal code specifically criminalized trafficking in persons and debt bondage, but reduced the minimum penalties for such crimes, and enforcement has been weak. In some mining areas, child labor is a major problem. Women and children are sometimes trafficked for sexual exploitation to other parts of West Africa, Europe, the Middle East, and the United States.

Guinea-Bissau

Population: 2,000,000

Capital: Bissau

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Guinea-Bissau’s political system has been hampered in recent years by divisions between the president and the parliament, and within the main political party. Conditions for civil liberties have gradually improved as the country has recovered from the aftermath of a military coup in 2012, though police continue to disrupt some demonstrations. Corruption is a major problem that has been exacerbated by organized criminal activity, including drug trafficking.

KEY DEVELOPMENTS IN 2021

- Activists and journalists who criticized the government reported facing harassment, arbitrary detentions, and physical assaults during the year. Those reporting such violations included Luís Vaz Martins, the former president of the Guinean League of Human Rights (LGDH), who was the target of an assassination attempt in August; Martins later accused the president of ordering the attack.
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- Several strikes took place throughout the year, with workers protesting against unpaid wages and poor working conditions. In September, hospital workers went on strike, severely impacting the operations of Guinea-Bissau's main hospital; in October, authorities briefly detained several union leaders in what critics deemed an attempt to intimidate striking healthcare workers.

POLITICAL RIGHTS: 17 / 40

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is elected through a two-round voting system for up to two consecutive terms of five years. The prime minister is appointed by the president “in accordance with the election results” after consulting with the parliamentary parties, and the government must be dissolved if the parliament rejects its proposed budget.

Umaro Sissoco Embaló of the Movement for Democratic Alternation (Madem G15) party, supported by former president José Mário Vaz—who placed fourth in the first round—and a coalition of opposition parties, won the December 2019 presidential election's run-off with 53.6 percent of the vote, defeating Domingos Simões Pereira of the African Party for the Independence of Guinea-Bissau and Cabo Verde (PAIGC) who won 46.4 percent of the vote. According to the National Election Commission (CNE), voter turnout was 72.7 percent. The African Union's (AU) election observation mission found that the administration of the run-off vote was free and transparent, despite challenges with the first round of voting. International bodies such as the Economic Community of West African States (ECOWAS) acknowledged Embaló's victory in April 2020.

However, in January 2020, Pereira contested the results in the Supreme Court, alleging widespread fraud. The CNE refused to conduct a full audit of the results. In February, Embaló held an inauguration for his presidency despite the ongoing court appeal. Meanwhile, the parliament appointed an interim president, Cipriano Cassamá, resulting in a two-day period during which there were two presidents before Cassamá stepped down, saying he feared for his safety. The court was unable to meet due to the COVID-19 pandemic and because the presiding judge had fled the country, also saying he feared for his safety. The court ultimately rejected Pereira's appeal in September.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the 102-seat National People's Assembly are elected by popular vote for four-year terms. In the March 2019 elections, the PAIGC remained the largest single party with 47 seats, though it lost its outright majority. Madem G15 won 27, the Party of Social Renewal (PRS) took 21, the United People's Assembly–Democratic Party of Guinea-Bissau (APU-PDGB) took 5, and the Union for Change (UM) and the Party for a New Democracy (PND) each secured a single seat.

The United Nations (UN) and European Union (EU) praised the 2019 parliamentary elections as peaceful and orderly, and an observation mission from the AU deemed them free and fair, though it noted some flaws in the process.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

There are some problems with the country's electoral laws and framework, including weak controls on campaign spending, vote buying, and a lack of legal provisions for

domestic poll observers. Elections have been subject to delays in recent years, due in part to lack of funding and stalled voter registration processes.

In the run-up to the first round of the 2019 presidential election, the PAIGC-led government decided to review the voter registry in order to include some 25,000 people who were not able to vote in the parliamentary elections due to technical errors. The PRS and Madem G15 claimed that the changes were fraudulent, but ECOWAS rejected the opposition's demand for a new registration process.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

There are no major constraints on party formation. Dozens of political parties are active in Guinea-Bissau, and 21 competed in the 2019 parliamentary elections, up from 15 in 2014. However, the political crisis since 2015—when former president Vaz dismissed then prime minister Pereira—has led to some instances of violence and intimidation among partisan groups.

PAIGC leader and former presidential candidate Pereira fled the country in May 2020, and in December of that year, the prosecutor general issued a warrant for his arrest on charges of corruption. Pereira returned to Guinea-Bissau in March 2021, where he remained at year's end, prevented from leaving the country by the government.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Guinea-Bissau has a limited record of democratic power transfers between rival political parties, as the PAIGC or military rulers have governed for most of the period since independence. In 2014, Vaz succeeded an independent who had served as acting president in the wake of the 2012 coup. Nevertheless, opposition forces increased their representation in the 2019 legislative elections. President Embaló of the new party Madem G15 succeeded former president Vaz of the PAIGC, who lost in the first round of the 2019 presidential election. However, Embaló's use of the military to complete his installation in office raised concerns.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The military has apparently refrained from interfering in politics since 2014, though it was used by President Embaló to complete his installment in office. The choices of voters and politicians continue to be influenced by corruption and patronage networks. Organized crime linked to drug trafficking and money laundering has contributed to the country's political instability in recent decades.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women enjoy equal political rights, but cultural obstacles limit their participation in practice, and they are underrepresented in leadership positions. Just 14 women won seats in the March 2019 parliamentary elections, the same number as in 2014. A 2018 law requires 36 percent of candidates on party lists to be women.

Ethnicity plays a role in politics, reducing the extent to which all groups' interests are represented. For example, one of the country's larger ethnic groups, the Balanta, has traditionally dominated the military and cast votes for the PRS.

C. FUNCTIONING OF GOVERNMENT: 2 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4**

Governance has been impaired by the political crisis that began in 2015, and election delays have undermined the democratic legitimacy of incumbent officials. The original term of the parliament that was replaced by the March 2019 elections had expired nearly a year earlier. The full legislature has convened only sporadically in recent years.

In late February and into March 2020, a constitutional crisis emerged when Embaló organized his inauguration unconstitutionally. The PAIGC, which has a slim parliamentary majority but lost the presidential election, ignored Embaló's inauguration and appointed an interim president, Cipriano Cassamá. However, Cassamá resigned after one day in office, saying he feared for his safety. Embaló was eventually recognized by the parliament.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is pervasive, including among senior government figures. Both military and civilian officials have been accused of involvement in the illegal drug trade. Critics of past corruption investigations targeting former high-ranking officials have argued that they were politically motivated.

In February 2020, minister of justice and human rights Ruth Monteiro and director of the Judiciary Police Filomena Lopes—who had been instrumental in the country's anticorruption efforts and praised by the United Nations for their work—were fired by President Embaló.

C3. Does the government operate with openness and transparency? 0 / 4

There are no effective legal provisions to facilitate public access to government information, and government officials do not disclose their personal financial information as required by law. The political impasse and related parliamentary dysfunction have further obstructed oversight of government spending in recent years. The lack of transparency contributes to chronic budget shortfalls, frequent delays in public-sector wages, and doubts about the management of foreign assistance.

CIVIL LIBERTIES: 26 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16****D1. Are there free and independent media? 1 / 4**

The constitution provides for freedom of the press, and there is some media diversity. However, journalists regularly face harassment and intimidation, including pressure regarding their coverage from political figures and government officials.

In late February and early March 2020, soldiers occupied the facilities of the state radio and television broadcasters for several days. The stations were closed and under armed guard at the request of President Embaló. In July 2020, armed men in national guard uniforms smashed equipment and vandalized the property of the privately owned Radio Capital FM station, which is allied to the opposition PAIGC, temporarily silencing the broadcaster.

In March 2021, a group attacked and tried to abduct Adão Ramalho, a reporter for Radio Capital FM. The same month, pro-PAIGC blogger António Aly Silva was also attacked by a group of unknown men; Silva reported that the attack came days after he had received a threatening phone call from the president, allegedly in response to his work with media outlets critical of the government.

In April, the Committee to Protect Journalists (CPJ) called on Guinea-Bissau authorities to drop criminal defamation investigations into Radio Capital FM and two of its journalists, and to reform its defamation laws.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is legally protected and usually respected in practice. Government licensing requirements are not onerous and are often disregarded. Some Muslims have reportedly raised concerns about the influence of foreign imams who preach a more rigorous or austere form of Islam, threatening religious tolerance.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is guaranteed and generally upheld, though the education system is poor in terms of access, quality, and basic resources. Public schools were closed for much of 2018 and 2019 due to ongoing teachers' strikes, and in 2020 and 2021 as a consequence of COVID-19 restrictions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are relatively free to express their views on political topics in the private and social sphere, though some more public figures have faced the threat of arrest or charges in retaliation for their remarks in recent years.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (-1)**E1. Is there freedom of assembly? 1 / 4**

Freedom of assembly is frequently restricted. The authorities repeatedly interfere with demonstrations linked to the political tensions between the presidency and the legislature. The state of emergency enforced due to the COVID-19 pandemic banned assemblies of more than 25 people during 2020. The restrictions were prolonged by President Embaló for most of 2021 and prevented protesters from gathering during a period of high political tension.

In July, police arrested three young activists in the city of Bafatá for allegedly planning an unauthorized protest; the activists reported that they were beaten by police before being released later that day.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4 (-1)

Nongovernmental organizations (NGOs) are generally able to operate. Some groups have faced intimidation and other obstacles, particularly those that are associated with street demonstrations.

Several activists who criticized the government reported facing harassment, arbitrary detentions, and physical assaults throughout 2021. Those reporting such violations included Luís Vaz Martins—a lawyer and the former president of the Guinean League of Human Rights (LGDH)—who was the target of an assassination attempt in August. Martins has accused the president of ordering the attack.

Score Change: The score declined from 3 to 2 due to rising violence and intimidation against activists and NGOs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers are allowed to form and join independent trade unions, but few work in the wage-earning formal sector. Private employers sometimes engage in improper interference

with union organizing and other activities. The right to strike is protected, and government workers frequently exercise it, although the prolonged state of emergency due to the COVID-19 pandemic restricted this right.

Several strikes took place throughout 2021, with workers protesting against unpaid wages and poor working conditions. In September, hospital workers went on strike, leading the government to replace striking workers with military medics. Despite the government intervention, the strike severely impacted the operations of Guinea-Bissau's main hospital, and in October, the authorities briefly detained several union leaders, in what critics deemed an attempt to intimidate striking healthcare workers.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Judges are highly susceptible to corruption and political pressure, and the court system as a whole lacks the resources and capacity to function effectively.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Corruption is common among police, and officers often fail to observe legal safeguards against arbitrary arrest and detention. Very few criminal cases are brought to trial or successfully prosecuted, partly due to the limited material and human resources available to investigators. Most of the population lacks access to the justice system in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Conditions in prisons and detention centers are often extremely poor, and law enforcement personnel generally enjoy impunity for abuses. Because of its weak institutions and porous borders, Guinea-Bissau has become a transit point for criminal organizations trafficking various types of contraband. The armed forces and other state entities have been linked to drug trafficking. In recent years, authorities have made some progress in combating the drug trade and organized crime. Violence associated with political unrest has continued to recede since the restoration of elected civilian rule.

A low-intensity conflict in Senegal's Casamance region occasionally affects security across the border in Guinea-Bissau, where Senegalese rebels sometimes operate.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women face significant societal discrimination and traditional biases, despite some legal protections. They generally do not receive equal pay for similar work and have fewer opportunities for education and employment.

There are virtually no effective legal protections against discrimination on other grounds, including ethnicity, sexual orientation, and gender identity, though same-sex relations are not specifically criminalized.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are few formal restrictions on freedom of movement, but widespread corruption among police and other public officials can limit this right in practice, as can criminal activity. At times, Senegalese rebel activity may restrict movement in the border area.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Illegal economic activity, including logging, by organized groups remains a problem. The quality of enforcement of property rights is generally poor, and the formal procedures for establishing a business are relatively onerous.

Women, particularly those from certain ethnic groups in rural areas, face restrictions on their ability to own and inherit property.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

There are multiple constraints on personal social freedoms. Early and forced marriages remain common, especially in rural areas. The government, international organizations, and community leaders have worked to eliminate female genital mutilation (FGM), though nearly half of the country's women have suffered from such violence. Despite the existence of legislation to address gender-based violence, the problem is reportedly widespread; victims of rape and domestic abuse rarely report the crimes to authorities.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Guinea-Bissau is one of the world's poorest countries, with most families relying on unstable employment in the informal economy or remittances from migrant workers abroad. Public services have deteriorated in recent years amid irregular payment of public-sector workers.

Boys are vulnerable to organized exploitation through forced begging and to forced labor in sectors including mining and agriculture. A rising number of Muslim children from Guinea-Bissau are trafficked by money-making schemes disguised as religious Koranic schools, particularly into Senegal.

Girls are frequently victims of sexual exploitation or domestic servitude. Government officials have been accused of complicity in trafficking activity, including sex tourism schemes in the Bijagós islands.

Guyana

Population: 800,000

Capital: Georgetown

Freedom Status: Free

Electoral Democracy: Yes

Overview: Guyana is a parliamentary democracy with a lively press and a robust civil society. However, elections held in 2020 were marred by attempted fraud by the then incumbent government. Violent crime and discrimination against Indigenous and LGBT+ people remain significant problems. The exploitation of offshore oil and natural gas reserves has raised the stakes of anticorruption reforms and revived traditional ethnopolitical divisions.

KEY DEVELOPMENTS IN 2021

- In January, a group of fishermen operating in Guyana's exclusive economic zone (EEZ) were arrested by the crew of a Venezuelan naval vessel. The fishermen were released in February.
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- In June, opposition parliamentarian Annette Ferguson was arrested under the Cyber Crime Act (CCA) after saying that a Guyana Defence Force (GDF) officer was slated to take charge of a “killing squad.” Ferguson was bailed in July.
- In August, the Guyana Elections Commission (GECOM) dismissed Chief Elections Officer Keith Lowenfield, his deputy, and the returning officer for Region 4; Lowenfield had been accused of abetting a fraudulent vote tabulation during the 2020 elections. Former GECOM official Vishnu Persaud was chosen to succeed Lowenfield in December.

POLITICAL RIGHTS: 30 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president, who serves as both chief of state and head of government, appoints the cabinet, though ministers are collectively responsible to the National Assembly. Parties designate a presidential candidate ahead of National Assembly elections, with the winning party's candidate assuming the presidency for a maximum of two five-year terms.

Presidential balloting was due in March 2019 after then president David Granger and the coalition of A Partnership for National Unity (APNU) and the Alliance for Change (AFC) lost a 2018 no-confidence vote. Elections were called in October 2019 and held in March 2020. The electoral results were based on a tally that included alterations to the count from Guyana's largest voting district, Region 4, leading to fraud allegations. The High Court ordered a recount, but political and courtroom maneuvering continued for months until the government ultimately accepted the results of a recount showing that Irfaan Ali of the People's Progressive Party/Civic (PPP/C) won the presidency. Ali took his post that August.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the unicameral, 65-seat National Assembly are elected to five-year terms; 25 representatives are elected in 10 geographical constituencies, while 40 are elected by proportional representation in one nationwide constituency. Up to seven unelected cabinet ministers and parliamentary officials may also hold ex officio seats.

In the 2020 elections, the PPP/C won 33 seats, the APNU-AFC coalition won 31, and the union of A New United Guyana (ANUG), the Liberty and Justice Party (LJP), and The New Movement (TNM) was allocated 1 seat. European Union (EU) observers said the contest was competitive and generally free, although polarization, unregulated campaign finance, and a lack of transparency characterized the preelectoral period. EU observers said the poll's integrity was “seriously compromised” by the manipulation of Region 4 results by senior GECOM officials. The eventual allocation of seats was based on the recount that was completed in June and judged to be accurate by Caribbean Community observers.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Although observers characterized the 2020 polls as generally free, EU observers described GECOM as dysfunctional, riven by polarization, opaque in its decision-making, and derelict in its duty to stop its officials from interfering with the results. In August 2021, GECOM dismissed Chief Elections Officer Keith Lowenfield—who had been accused of abetting the fraudulent vote tabulation in 2020—along with his deputy and the Region 4

returning officer. Former GECOM official Vishnu Persaud was chosen to succeed Lowenfield in December 2021.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties may form freely and they generally operate without interference. Party politics are defined by ethnic identity; the APNU is predominately Afro-Guyanese while the PPP/C is mainly Indo-Guyanese. Ethnopolitical divisions have sharpened as the anticipated influx of oil and gas revenue raises the stakes of controlling the distribution of state resources. New parties emerged to contest the 2020 elections, with the ANUG, LJP, and TNM gaining one shared seat. There are no legal provisions allowing independent candidates to stand for the presidency.

In June 2021, APNU-AFC parliamentarian Annette Ferguson was arrested under the CCA after saying that a GDF officer was slated to take charge of a “killing squad.” Ferguson was bailed in July.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The PPP/C ruled from 1992 to 2015, and the APNU-AFC from 2015 to 2020. The PPP/C took power through elections in 2020, but significant pressure from the international community and civil society was required to ensure a declaration of the PPP/C as the winner based on the results of a recount.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Voters are largely free to make their own political choices. However, there is concern that politics may be improperly influenced by the largely Indo-Guyanese economic elite.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and ethnic minorities have equal political rights, though ethnic divisions have long played a powerful role in politics. At least a third of each party's candidate list must consist of women. Women won 25 of the National Assembly's 70 seats in 2020.

Indigenous people, who make up about 10 percent of the population, hold elected posts but are politically marginalized. The LJP nominated Indigenous activist Lenox Shuman for president but Shuman was disqualified in January 2020 for holding Canadian citizenship. Shuman became first Indigenous National Assembly deputy speaker that September.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The president and the legislative majority are generally able to create and implement policy without improper interference. The post-2020 political stalemate has continued to affect governance, however. While President Ali took his post based on the results of the recount, he did not hold regular meetings with opposition leader Joseph Harmon, while the APNU-AFC continued to label the PPP/C administration as illegitimate. The government's ability to fill some official posts was consequently hindered.

C2. Are safeguards against official corruption strong and effective? 2 / 4

In recent years, successive governments have made progress in introducing durable safeguards against corruption, notably by strengthening money-laundering controls and empowering a new agency to audit state-owned companies. However, graft remains widespread, and the exploitation of oil and natural gas reserves beneath the country's coastal waters is adding urgency to the need for effective anticorruption reforms.

C3. Does the government operate with openness and transparency? 2 / 4

Laws designed to ensure government transparency are inconsistently upheld. A 2013 Access to Information Act allows the government to refuse requests with little or no justification.

A government integrity commission tasked with reviewing officials' asset disclosures was reestablished in 2018 after a long dormancy.

In 2017, Guyana joined the Extractive Industries Transparency Initiative, which requires member states to report on the use of natural-resource revenue. In March 2021, the government released its second report, covering fiscal year 2018.

Critics have suggested that Georgetown's initial set of oil contracts, negotiated privately with individual companies, are unfavorable to the government. In August 2021, Vice President Bharrat Jagdeo vowed that the government would address that imbalance in future profit-sharing agreements.

In December 2021, the National Assembly voted to amend the Natural Resource Fund Act; under the updated legislation, the finance minister could face a 10-year prison term if they do not disclose the receipt of oil revenue within three months.

CIVIL LIBERTIES: 43 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Although freedom of the press is generally respected, government officials have filed defamation cases and occasionally threatened journalists. Criminal defamation charges can draw up to two years in prison.

The Guyana National Broadcasting Authority, whose board is appointed by the president, has been accused of partisan bias in its regulatory and licensing decisions. According to EU observers, state-run print and television outlets openly favored the APNU-AFC during the 2020 election campaign, while several private outlets favored the PPP/C.

In April 2021, commentator Gavin Matthews was arrested for violating the CCA after calling Culture Minister Charles Ramson a murderer. Matthews was granted bail in June.

In August 2021, Guyana joined the Media Freedom Coalition, an international initiative that advocates for the safety of journalists.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and generally respected in practice. Rules limiting visas for foreign missionaries and barring blasphemous libel are not actively enforced. Religious groups can register places of worship and receive associated benefits without difficulty.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express their views without fear of retaliation or other repercussions. However, critics allege that the CCA is used to stifle dissent online.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

The authorities generally uphold the right to peaceful assembly. Guyanese authorities responded peacefully to a September 2021 protest prompted by the police killing of a businessman in Region 2. A September protest held by former forestry workers took place without incident in Georgetown.

In August 2021, police in Georgetown arrested eight demonstrators protesting against a COVID-19 vaccine mandate for teachers.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely. The government has consulted with NGOs on various policy initiatives, including measures designed to combat human trafficking.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The rights to form labor unions, bargain collectively, and strike are generally upheld, and unions are well organized. However, laws against antiunion discrimination are poorly enforced. In September 2021, the Guyana Agricultural and General Workers Union (GAWU) alleged that oil-and-gas workers were discouraged from joining unions by their employers.

The Guyana Teachers' Union staged a three-day walkout in September over a vaccine mandate for teachers. The government vowed to dock the pay of participants. Also in September, Albion Estate sugar harvesters went on strike over pay concerns; the GAWU and Albion Estate's operator, the Guyana Sugar Corporation, struck a deal later that month.

F. RULE OF LAW: 8 / 16**F1. Is there an independent judiciary? 2 / 4**

The courts are impaired by political disputes, staff shortages, and lack of resources. The president must obtain the agreement of the opposition leader to appoint the chancellor of the judiciary and the chief justice; both positions were held by acting placeholders as of December 2021 due to the ongoing failure to agree on appointments. Other judges are appointed by the president on the advice of a Judicial Service Commission (JSC), which is also selected with opposition input. The JSC has remained unstaffed since 2017.

Guyanese courts played a mixed role during the 2020 election crisis. A Court of Appeal decision bolstered the Granger government's position that large numbers of votes should be invalidated. However, when the Caribbean Court of Justice—Guyana's apex judicial body—overruled this decision, the Court of Appeal confirmed that GECOM must declare a winner based on the recount-based vote tally, which favored the PPP/C.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Observance of due process safeguards is uneven. Defendants are often held in pretrial detention beyond their maximum possible sentence; 46 percent of the prison population was in pretrial detention as of September 2021. Prisons are also overcrowded, with the system's population standing at 127.2 percent of capacity as of September. Nevertheless,

the Inter-American Development Bank praised efforts to tackle these issues in August, including the use of alternative sentencing.

Police officers do not always operate with professionalism; some have reportedly accepted bribes and committed a variety of other crimes.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Reports of police violence, abuse of detainees, and harsh prison conditions persist. Police in Region 2 killed businessman Orin Boston at his home in September 2021. The officer who allegedly killed Boston was arrested and the government vowed to investigate the killing.

The rate of violent crime has fallen somewhat in recent years but remains stubbornly high.

The threat of territorial conflict with Venezuela remained present in 2021. In January, Venezuelan president Nicolás Maduro Moros issued a decree asserting the country's rights in Guyanese waters. The crew of the *Comandante Eterno Hugo Chávez* arrested fishermen operating in Guyana's EEZ that month, though the fishermen were released in February.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Indo-Guyanese people, who make up 40 percent of the population, predominate within the business sector. A history of interethnic violence and the organization of politics along ethnic lines make communal violence a perennial concern.

Laws barring discrimination based on race, gender, and other categories are not effectively enforced. Women continue to suffer from workplace bias and significantly lower pay.

Guyana's nine principal Indigenous groups still face disparities in the provision of health care, education, and justice.

Same-sex sexual activity is punishable with harsh jail terms, and the LGBT+ community faces police harassment and discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

There are no undue legal restrictions on freedom of movement, including with respect to residency, employment, and education. However, factors including bribery, racial polarization, and neglected infrastructure in some regions limit this right in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The legal framework generally supports the rights to own property and operate private businesses, but complex regulations are unevenly enforced, and corruption and organized crime sometimes inhibit business activity.

Indigenous communities face unauthorized encroachment and resource exploitation by outsiders. In September 2021, President Ali announced the creation of a government mechanism to address land disputes.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Individual freedom on personal status matters such as marriage and divorce is generally respected, though same-sex marriage and civil unions are prohibited. Marriage before

age 18 is allowed with judicial or parental permission, and such marriages are reportedly common. Domestic abuse is widespread, and conviction rates for such abuse and for sexual offenses are low.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against exploitative working conditions are not enforced consistently. Those working in the informal sector and extractive industries in the country's interior are particularly vulnerable to abuses.

The US State Department detailed Guyanese authorities' continued efforts to address human trafficking in 2021, citing a rise in investigations, increased victim assistance, and the establishment of a Spanish-language antitrafficking hotline. However, child and male victims go largely unsupported.

Haiti

Population: 11,500,000

Capital: Port-au-Prince

Freedom Status: Partly Free

Electoral Democracy: No

Status Change: Haiti's status declined from Partly Free to Not Free due to the assassination of President Jovenel Moïse, an ongoing breakdown in the electoral system and other state institutions, and the corrosive effects of organized crime and violence on civic life.

Overview: Worsening breakdowns of the Haitian electoral system in recent years have led to a series of expired mandates and constitutional impasses, leaving citizens without proper political representation. Rampant corruption and violence by armed criminal groups undermine basic services and contribute to physical insecurity for the population. The judiciary and law enforcement agencies lack the resources, independence, and integrity to uphold due process and the rule of law. Antigovernment protests often result in excessive use of force by police.

KEY DEVELOPMENTS IN 2021

- The first half of the year was dominated by protests and political disputes over the expiration of President Jovenel Moïse's term, his plans to hold a referendum on constitutional reforms, and the continued postponement of overdue elections.
 - In July, Moïse was assassinated by a group of heavily armed men who entered his residence, and the resulting succession crisis was exacerbated by the lack of a sitting Parliament, as the terms of most lawmakers had expired in 2020.
 - Ariel Henry, who took office as acting prime minister and acting president with support from foreign diplomats, again postponed elections in September. Amid ongoing doubts about the legitimacy of his government, Henry was accused of obstructing the criminal investigation into Moïse's assassination, which remained stalled at year's end.
-

POLITICAL RIGHTS: 11 / 40 (-4)**A. ELECTORAL PROCESS: 3 / 12 (-1)****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (-1)**

In Haiti's semipresidential system, the president is directly elected for a five-year term. The prime minister is appointed by the president and confirmed by Parliament.

Jovenel Moïse of the Haitian Tet Kale Party (PHTK), the handpicked successor of then president Michel Martelly, won the 2015 presidential election, but the results were nullified due to extensive fraud. Moïse went on to win a repeat election in 2016, taking 55.6 percent of the vote. He was inaugurated in February 2017 after an electoral tribunal verified the outcome, citing irregularities but no evidence of widespread fraud. Some members of the political opposition and civil society groups claimed that fraud in the vote tally, inconsistent voter registration lists, and a low voter turnout of 21 percent undermined the new president's mandate.

The events surrounding the repeat election later resulted in a political and legal dispute over whether Moïse's term expired in February 2021, five years after the end of Martelly's term, or February 2022, five years after Moïse was inaugurated.

President Moïse frequently replaced the prime minister during his tenure, but after the terms of most lawmakers expired in early 2020, his appointees were unable to obtain parliamentary approval in keeping with the constitution. In April 2021, Moïse accepted the resignation of Prime Minister Joseph Jouthe and appointed Claude Joseph, the minister of foreign affairs and worship, to replace him. Joseph then submitted his resignation in early July, and Moïse, through a decree published in the official state newspaper *Le Moniteur*, appointed Ariel Henry as the new prime minister. Henry had not yet been installed when, days later, Moïse was assassinated at his residence.

The assassination set off a dispute among the local political, civic, and economic actors as to who should head the executive branch, but key diplomatic representatives in the country—known as the Core Group—called on Henry to lead a new government, and Joseph stepped down. In September, Henry dismissed the Provisional Electoral Council (CEP) and indefinitely postponed general elections, which were already overdue. He remained in place as acting prime minister and acting president at year's end.

Score Change: The score declined from 2 to 1 due to the assassination of President Moïse and the indefinite postponement of elections to replace him.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The directly elected, bicameral Parliament is composed of a Senate, with 30 members who serve six-year terms, and a Chamber of Deputies, with 119 members who serve four-year terms. The 2015 legislative elections were plagued by disorder, fraud, and violence. Despite concerns about the elections' credibility, 92 lawmakers took office in early 2016. Elections for a portion of the Senate and the runoff elections for the remaining seats in the Chamber of Deputies were held in 2016 along with the repeat presidential election, and the contests were marred by low voter turnout and fraud. The PHTK emerged as the largest single party in both chambers, followed by Vérité (Truth), though most of the seats were divided among a large number of smaller parties.

Elections for the Chamber of Deputies, two-thirds of the Senate, and local mayoralities were canceled in October 2019. As a result, Parliament was dissolved in January 2020. Ten

senators still had mandates, however, and after Moïse's assassination in July 2021, they supported Senate president Joseph Lambert's short-lived bid to serve as acting president. Following the dismissal of the CEP in September, fresh elections had yet to be scheduled at year's end.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The CEP was established in the late 1980s as a temporary body, but it remains responsible for managing the electoral process. Despite constitutional safeguards against executive dominance of the CEP, the executive branch asserts significant control over it in practice. In September 2020, Moïse appointed a new CEP by presidential decree. Human rights observers argued that both the appointments and the decree's mandate for the council to organize a constitutional referendum were unconstitutional. Moïse's proposed constitutional reforms were reportedly designed to increase the power of the presidency, drawing harsh criticism from his opponents. Plans to hold the referendum and general elections in November 2021 were scuttled that September, when Henry, as acting president, dismissed the existing CEP and pledged to assemble a new council with broader legitimacy.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16 (-2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4 (-1)

Legal and administrative barriers that prevented some parties from registering or running in past elections have largely been eliminated. The number of members required to form a political party was reduced from 500 to 20 in 2014, leading to the creation of dozens of new parties. However, the risk of violence seriously impairs normal political activity. Opposition party leaders are subject to threats and abductions, and protests organized by opposition parties are regularly met with repressive force by the government.

Criminal violence increased sharply in 2021, with the estimated number of kidnappings more than tripling for the second consecutive year. President Moïse, meanwhile, was accused of using allied criminal groups to intimidate his political opponents and the neighborhoods that formed their bases of support. The insecurity continued after Moïse's assassination and remained a major obstacle to political mobilization.

Score Change: The score declined from 2 to 1 because political activity was severely hampered by an increased risk of violence and kidnapping by armed criminal groups.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Haiti has a poor record of peaceful democratic transfers of power. It remains difficult for the opposition to increase its support or gain power through elections, which are regularly disrupted by violence, marred by accusations of fraud, and postponed. In recent years the PHTK has consolidated power in the legislature and at the local level, in part through alliances with smaller parties. However, it has also suffered from internal divisions, particularly between factions loyal to Moïse and to former president Martelly, respectively. The country's various opposition parties remain highly fragmented.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4 (-1)

Haitians' political choices are subject to undue influence or effective marginalization by corrupt patronage networks, organized crime, and foreign actors. Many politicians rely on money linked to drug trafficking, gang activity, and other illegal sources of funding to finance their campaigns. Politicians from the PHTK as well as opposition parties have enlisted armed criminal groups to either incite or halt residents' involvement in protests and other political activities, according to local human rights activists.

The assassination of President Moïse and its aftermath represented a further degradation of the democratic autonomy of Haitian citizens and politicians. In addition to the violence and criminality associated with the murder itself, many observers decried the role of the Core Group—comprising ambassadors or representatives from Brazil, Canada, France, Germany, Spain, the United States, the European Union, the Organization of American States, and the United Nations—in confirming Ariel Henry as the new acting prime minister and acting president. In a September 2021 resignation letter, the US special envoy to Haiti, Daniel Foote, denounced the diplomatic endorsement of Henry, arguing that it improperly sidelined an alternative plan advanced by a commission of Haitian civil society representatives, which called for a longer transition period to enable thorough institutional reforms before any elections or political settlement.

Score Change: The score declined from 2 to 1 due to the increased role of criminal and foreign actors in shaping political outcomes.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Haitian women are underrepresented in political life, with only four out of 149 parliamentary seats held by women from 2017 to 2019. The constitution mandates that 30 percent of public officials be women, but there are no penalties for noncompliance. Election-related violence and social and cultural norms discourage women from participating in politics. Due to societal discrimination, the interests of LGBT+ people are not represented in the political system, and there are no openly LGBT+ politicians.

C. FUNCTIONING OF GOVERNMENT: 3 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Parliament was dissolved in January 2020 as the mandates of two-thirds of Senate members and all Chamber of Deputies members expired, and no new elections were held. President Moïse attempted to rule by decree until his July 2021 assassination, but the legitimacy of his actions was questioned, since only members of Parliament have the constitutional authority to pass laws. Similar legitimacy questions continued to undermine the mandates of the prime minister and various government ministries throughout the year. Corruption, instability, and security threats hinder the government's ability to carry out its own policies and provide basic services across the country.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread in Haiti, as are allegations of impunity for government officials. A 2017 law reduced the independence and powers of the Central Financial Intelligence Unit (UCREF), which was responsible for investigating money-laundering cases. Also that year, Moïse replaced the heads of the Anticorruption Unit (ULCC) and the UCREF with political allies and former members of the Martelly administration; both units had been investigating Moïse for potential money laundering.

In August 2020, the Superior Court of Auditors and Administrative Disputes (CSCCA) issued its third and final report on corruption among government officials involving a low-interest development-loan program operated by Venezuela, but the findings have not resulted in prosecutions. A month later, despite objections from the CSCCA's president, Moïse issued a decree that rendered the court's opinions on public procurement contracts advisory and nonbinding, which would allow for the awarding of state contracts without prior court approval.

C3. Does the government operate with openness and transparency? 1 / 4 (-1)

Haitians' general distrust of the government stems in large part from the absence of transparency and accountability measures that are needed to reduce corruption. There are no laws providing the public with access to state information, and it is reportedly very difficult to obtain government documents and data in practice. All government officials must file financial disclosure forms within 90 days of taking office and within 90 days of leaving office, though these requirements are not well enforced, and the reports are not made public. A 2020 presidential decree that created the National Intelligence Agency (ANI) granted it total secrecy and the ability to conduct surveillance on individuals and businesses at any time, even if there is no relevant ongoing investigation.

The events and governance conditions of 2021—including disputes about the presidential term, executive rule in the absence of legislative oversight, and the investigation of Moïse's assassination—raised further transparency concerns. In September, Henry dismissed the justice minister and a chief prosecutor after investigators under their supervision uncovered evidence that appeared to link Henry himself to a top suspect in the case, prompting accusations that he was obstructing justice. The investigation remained stalled at year's end.

Score Change: The score declined from 2 to 1 due to the prolongation of opaque executive rule and allegations of obstruction surrounding the investigation into Moïse's assassination.

CIVIL LIBERTIES: 22 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16 (-1)

D1. Are there free and independent media? 2 / 4

The constitution includes protections for press freedom, and the media sector is pluralistic, but the work of journalists is constrained by threats and violence, government interference, and a lack of financial resources.

In 2020, a presidential decree prohibited the sharing of photos or videos of the bodies of people who died from COVID-19, drawing criticism from human rights groups.

Attacks on journalists occur frequently, and impunity for perpetrators is the norm. In June 2021, two journalists and activists, Diego Charles and Antoinette Duclair, were shot and killed by unidentified men in Port-au-Prince. Also in June, photojournalist Dieu-Nalio Chéry was forced to leave Haiti because of death threats from armed gangs.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is constitutionally guaranteed, and religious groups generally practice freely. However, the traditionally dominant Roman Catholic and Protestant churches and schools receive certain privileges from the state, while Vodou religious leaders have experienced social stigmatization and violence for their beliefs and practices. The government has denied registration to the country's small Muslim communities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Educational institutions and academics choose their curriculum freely, but university associations and student groups that protest government actions are often met with police violence. Academic freedom is also negatively affected by the general climate of insecurity, and some scholars may self-censor to avoid conflicts with powerful groups or individuals.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (-1)

There are some formal constraints on the expression of personal views, including criminal defamation laws, and the risk of violent reprisals also serves as a deterrent to unfettered discussion of sensitive issues such as corruption, gangs, and organized crime. The government has been accused of using allied gangs to help suppress dissent. Security conditions grew worse during 2021, with the number of documented kidnappings surging to more than 1,200, further dampening citizens' sense of freedom to air their grievances.

Score Change: The score declined from 3 to 2 because an increase in gang violence and kidnappings has contributed to a climate of fear among ordinary citizens.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (+1)**E1. Is there freedom of assembly? 2 / 4 (+1)**

The constitution enshrines freedom of assembly, but this right is often violated in practice, and police have used excessive force including live rounds of ammunition to disperse protesters. Despite the risk of violence, politicians, civil society groups, and ordinary citizens continued to mount demonstrations during 2021, with participants calling for Moïse's resignation and condemning criminal activity. Police regularly used tear gas and gunshots in response, but the severity of the protest-related violence and the number of casualties remained far lower than in 2019, when more than 80 people were killed.

Score Change: The score improved from 1 to 2 because activists continued to hold demonstrations against the government and organized crime, and the violence that accompanied such events was not as severe as in some previous years.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Numerous domestic and international nongovernmental organizations (NGOs) operate in Haiti, but human rights defenders and activists who address sensitive topics are subject to threats and violence, which creates a climate of fear. Violence against activists is rarely investigated or prosecuted. Among other high-profile cases, an investigation into the 2020 assassination of Monferrier Dorval, a government critic and head of the Port-au-Prince Bar Association, remained unsolved in 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Workers' right to unionize is protected under the law, and strikes are not uncommon, though the union movement in Haiti is weak and lacks collective bargaining power in practice. Most citizens are informally employed. Workers who engage in union activity frequently face harassment, suspension, termination, and other repercussions from employers.

F. RULE OF LAW: 4 / 16**F1. Is there an independent judiciary? 1 / 4**

Despite constitutional guarantees of independence, the judiciary is susceptible to political pressure. A lack of resources has contributed to bribery throughout the judicial system, and weak oversight means that most corrupt officials are not held accountable. During his time in office, President Moïse repeatedly declined to renew the mandates of judges, and in February 2021—amid the dispute over the expiration of his term—Moïse forced three members of the Supreme Court to retire. Given Parliament’s inability to play its constitutional role in judicial appointments, the number of vacancies has continued to grow. The head of the Supreme Court died in June, after which the body lacked the quorum it needed to function.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutionally protected due process rights are regularly violated in practice. Arbitrary arrest is common, as are extortion attempts by police and at all levels of the legal system. Most suspects do not have legal representation, and even those who do suffer from long delays and case mismanagement. More than 80 percent of the prison population consisted of pretrial detainees as of 2021. Many have never appeared before a judge despite the legal requirement of a court hearing within 48 hours of arrest.

In November 2020, President Moïse published two decrees that expanded the definition of terrorism and created the ANI to gather information on and prevent terrorist acts that ostensibly threaten national security. Human rights groups criticized the vague new definition of “terrorist act,” which included robbery, extortion, arson, and the destruction of public and private goods. According to the decrees, the ANI would have broad discretion to conduct searches and surveillance, and its staff cannot be held legally accountable for abuses without prior authorization from the president.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force, and police themselves are subject to lethal attacks by heavily armed criminal groups. According to the United Nations, at least 36 officers were killed in the first eight months of 2021. Criminal groups fight one another for territory and prey on residents in areas under their control, earning revenue from kidnappings, extortion, and other illegal activities. Overall crime statistics are difficult to authenticate, and crimes are underreported, but more than 1,600 murders were registered during 2021, representing an 18 percent increase over the previous year’s total. The resulting homicide rate was about 13.7 per 100,000 residents. Police are regularly accused of abusing suspects and detainees. Conditions in Haiti’s prisons, which are among the world’s most overcrowded, are extremely poor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Discrimination against women, the LGBT+ community, and people with disabilities is pervasive. Among other problems, women face bias in employment and disparities in access to financial services.

A reformed penal code, published in June 2020 by executive decree and set to take effect in June 2022, prohibits gender-based violence, sexual harassment, and discrimination

on the basis of sexual orientation, which occur regularly in practice. The reform was met with sharp resistance and public protest by conservative cultural and religious groups.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The government generally does not restrict travel or place limits on the ability to change one's place of employment or education. However, insecurity has prevented free movement, particularly in Port-au-Prince, as roads are frequently blockaded by criminal groups, police, or protesters, and many residents avoid unnecessary travel due to widespread gang violence.

The government's flawed response to natural disasters has prevented many displaced residents from returning to their homes, forcing them to live in poor conditions for extended periods. As of early August 2021, according to the United Nations, about 19,000 people were internally displaced. Tens of thousands more were displaced as a result of an earthquake in mid-August. In addition, more than 6,125 people, or 1,500 households, had been displaced when their houses were burned down by armed gangs in October 2020.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although the legal framework protects property rights and private business activity, it is difficult in practice to register property, enforce contracts, and obtain credit. Poor record keeping and corruption contribute to inconsistent enforcement of property rights, and business owners are subject to extortion by criminal groups.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Basic freedoms related to marriage, divorce, and custody are generally respected. However, there are no laws specifically addressing domestic violence, which is a widespread problem. Both domestic violence and rape are underreported and rarely result in successful prosecutions, with justice officials often favoring reconciliation or other forms of settlement. Spousal rape is not recognized as a criminal offense.

The reformed penal code that was set to take effect in June 2022 would decriminalize abortion in the first 12 weeks of pregnancy, in cases of rape or incest, or when there is a threat to the physical or mental health of the pregnant woman. Abortion was prohibited entirely under existing law. The reformed code would also reportedly lower the legal age of sexual consent to 15.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Socioeconomic mobility is obstructed by entrenched poverty and inequality. Legal protections against exploitative working conditions in formal employment are weakly enforced, and most workers are informally employed. As many as 300,000 children work as domestic servants, often without pay or access to education; they are especially vulnerable to physical or sexual abuse. Other forms of child labor are common.

To escape dire social and economic conditions at home, many Haitians have risked human trafficking and dangerous land and sea journeys to reach countries including the Bahamas, Brazil, Chile, the Dominican Republic, Mexico, and the United States.

Honduras

Population: 9,400,000

Capital: Tegucigalpa

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Institutional weakness, corruption, violence, and impunity undermine the overall stability of Honduras. Journalists, political activists, and women are often the victims of violence, and perpetrators are rarely brought to justice. While Honduras holds regular elections, irregularities surrounding the 2017 presidential poll prompted election monitors to call the result into question.

KEY DEVELOPMENTS IN 2021

- In May, the National Congress approved a new electoral law after two years of deliberation. The new legislation incorporated several reforms, including improvements to the voter registration process. Though the reforms enhanced the credibility of the year's general elections, some opposition figures have criticized the law, saying it does not go far enough in providing a framework for democratic election management.
- General elections were held in November and administered under the new electoral law, which increased transparency and confidence in the electoral process despite the unprecedented levels of political violence that marred the elections. Opposition candidate Xiomara Castro of the Liberty and Refoundation Party (Libre) was elected to the presidency with 51.1 percent of the vote; Libre also gained control of the National Congress, filling 50 seats.

POLITICAL RIGHTS: 21 / 40 (+2)

A. ELECTORAL PROCESS: 8 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4 (+1)

The president is both chief of state and head of government, and is elected by popular vote to four-year terms. The leading candidate is only required to win a plurality; there is no runoff system.

In 2019, following severe irregularities in the 2017 presidential election, which saw President Juan Orlando Hernández of the National Party (PN) reelected by a narrow margin, Congress created two new electoral management bodies: the Electoral Court of Justice (TJE) and National Electoral Council (CNE). In May 2021, Congress passed new electoral legislation that aimed to improve electoral integrity in the run-up to the November 2021 general elections, which were the first to be administered by the TJE and the CNE.

In November 2021, the Libre Party's Xiomara Castro was elected to the presidency with 51.1 percent of the vote, ending 12 years of PN control of the office. Castro, who will become the nation's first woman president, was elected amid record high voter turnout after the electoral reforms enacted in May 2021 improved the voter registration process. The European Union (EU) election mission to Honduras reported that, though several critical problems remain, including high levels of politicization in the electoral process, the May 2021 reforms to the electoral system had allowed for increased transparency and improved confidence in the election results.

Score Change: The score improved from 2 to 3 because the presidential election, which ended with an opposition candidate's victory, was held with improvements to voter-registration and security measures and amid high turnout.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (-1)

Members of the 128-seat, unicameral National Congress are elected for four-year terms using proportional representation by department.

All 128 seats were contested in the November 2021 elections. Castro's Libre party won 50 seats, followed by the PN with 44 seats. The remaining seats were filled by the Liberal Party (PL) with 22 seats, the Savior Party of Honduras (PSH) with 10 seats, and the Christian Democratic Party (DC) and the Anticorruption Party (PAC) with one seat each. The election was administered under the May 2021 electoral reforms, and the results were accepted both domestically and internationally.

Despite these reforms, the 2021 congressional and municipal elections were marred by severe political violence; at least 68 candidates were murdered in the run-up to the elections. Other forms of electoral interference, including the abuse of state resources and voter intimidation, were also reported.

Score Change: The score declined from 3 to 2 because legislative elections were affected by serious violence perpetrated against local elected officials.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)

The Supreme Electoral Council (TSE) came under heavy criticism for its administration of the 2017 presidential poll, which prompted protests and widespread allegations of TSE incompetence and bias toward the ruling party. In January 2019, Congress created two new electoral bodies to replace the TSE, the TJE and the CNE. In May 2021, after more than two years of deliberation, the congress passed a new electoral law, incorporating several reforms intended to improve public trust and encourage stability and transparency in the electoral process.

These reforms include improvements to voter-registration management, the modernization of the National Identification Document (DNI) program, and provided for the involvement of multiple parties (PN, PL, and Libre) in the management of all electoral institutions. Following the reforms, the 2021 elections enjoyed a heightened level of legitimacy; the severe irregularities of the 2017 elections were not repeated, and the results were widely accepted.

According to the EU election observation mission, the new electoral legislation generally complies with international and regional standards, and provided increased transparency and confidence in the election day proceedings and results of the November 2021 general elections. Though many critics have deemed the reforms insufficient, citing democratic deficits including high levels of politicization, unclear procedures, and a lack of necessary regulations, the reforms were widely considered to represent significant progress in the electoral process. Further reforms aimed at establishing new conflict-resolution processes are planned, but have not yet been enacted.

Score Change: The score improved from 2 to 3 because opposition parties more actively participated in the management of the CNE and because of improvements in voter-roll and voter-registration management.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (+1)**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political parties are largely free to operate, though power has mostly been concentrated in the hands of the PL and the PN since the early 1980s. In 2013, Libre and the PAC participated in elections for the first time, winning a significant share of the vote and disrupting the dominance of the PL and the PN. In 2021, representatives from five parties were elected to the National Congress.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+1)

Opposition parties are competitive. Though opposition parties were affected by acts of political violence and electoral irregularities favoring the ruling party, several opposition candidates were able to gain power in the November 2021 elections.

In November 2021, the ruling PN was ousted from the presidency for the first time in 12 years by Castro, a member of the opposition party Libre. The PN also lost its congressional majority when Libre candidates won 50 seats.

Score Change: The score improved from 2 to 3 because an opposition candidate won the presidential election.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Political and economic elites have traditionally exerted significant influence over political parties, limiting people's political choices. The military, after decades of ruling Honduras, remains politically powerful.

Political violence is widespread, and includes harassment, threats, and intimidation directed at candidates, politicians, and voters, especially women. In 2021, the University Institute for Democracy, Peace, and Security (IUDPAS) reported more than 30 deaths related to political and electoral violence.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Adult citizens have the right to vote. Members of ethnic minority groups remain underrepresented in Honduras's political system and in the political sphere generally, though there have been modest efforts by the government to encourage their participation and representation.

Women are also underrepresented in politics. In the 2021 elections, of 3038 open positions, 61.1 percent were won by men and 38.8 percent by women.

C. FUNCTIONING OF GOVERNMENT: 4 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

Beginning in 2014, several measures have been passed into law that have increasingly consolidated power in the executive branch. The military, which has traditionally maintained substantial autonomy from civilian oversight, has played an increasing role in both internal security and programs unrelated to security in recent years, prompting the UN Office of the High Commissioner on Human Rights (OHCHR) to call for demilitarization and a return of nondefense matters to civilian control.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains rampant in Honduras, despite efforts to bolster its anticorruption mechanisms in recent years. The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), which was established in 2016, was shuttered in 2020 despite public support for renewal, marking a pattern of regression in Honduran anticorruption efforts.

The new criminal code that took effect in June 2020 eased penalties for multiple crimes public officials are regularly accused of, including corruption and drug trafficking. The new code also contributed to the dismissal of charges or acquittal of officials implicated in several emblematic corruption cases, including one that exposed large-scale embezzlement in the public health sector.

President Hernández was directly implicated in corruption in 2019, when United States prosecutors identified him and former president Porfirio Lobo as coconspirators in a drug smuggling operation run by Juan Antonio Hernández, the president's brother. In October 2019, a United States jury convicted the president's brother; in March 2021, he was sentenced to life in prison and ordered to forfeit \$138.5 million for his leadership role in what the US Department of Justice (DOJ) termed "a violent, state-sponsored drug trafficking conspiracy".

In October 2021, the legislature passed reforms limiting the public prosecutor's office access to financial information in cases of corruption and relaxing sanctions against those who do not present campaign finance reports. These reforms also define members of non-governmental organizations (NGOs) as politically exposed persons (PEPs), a measure that gives the government the power to place NGOs under investigation and freeze their bank accounts, which many groups fear will be abused in order to restrict their ability to fight against corruption.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque. Journalists and interest groups have difficulty obtaining information from the government. Secrecy laws passed in 2014 allow authorities to withhold information on security and national defense for up to 25 years. The laws cover information regarding the military police budget, which is funded by a security tax, as well as information related to the Supreme Court and the Foreign Affairs and International Cooperation Directorate.

The 2020 creation of a Ministry of Transparency was criticized by civil society representatives as an effort to undermine the efficacy of existing transparency mechanisms.

CIVIL LIBERTIES: 26 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 1 / 4**

Authorities systematically violate the constitution's press freedom guarantees. Reporters and outlets covering sensitive topics or who are perceived as critical of authorities risk assaults, threats, blocked transmissions, and harassment.

According to the National Commissioner for Human Rights in Honduras (CONADEH), more than 80 journalists have been murdered in the country since 2001; a local press freedom group, the Committee for Free Expression (C-Libre) reported that 97 percent of these murders have gone unsolved.

Journalists are also targeted by various types of defamation laws. According to the Committee to Protect Journalists (CPJ), while defamation was decriminalized under the new criminal code, insult and slander continue to be subject to criminal penalties.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected in Honduras.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is undermined by criminal groups, who control all or parts of schools in some areas and subject staff to extortion schemes. Authorities sometimes move to suppress student demonstrations by arresting participants and dispersing the events, and violent clashes between police and student protesters sometimes occur.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Under the Special Law on Interception of Private Communications, passed in 2011, the government can intercept online and telephone messages. Violence, threats, and intimidation by state and nonstate actors curtails open and free private discussion among the general population.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (+1)**E1. Is there freedom of assembly? 2 / 4 (+1)**

Freedom of assembly is constitutionally protected, but the government consistently uses force to disperse participants. Amnesty International has reported that authorities regularly used tear gas and live ammunition against demonstrators and bystanders during protests or government reprisals. The COVID-19-linked state of emergency included restrictions on freedom of assembly.

In December 2020, three UN special rapporteurs sent a joint letter calling for revisions of sections of the new criminal code that threaten assembly rights, including vague invocations of the word “terrorism” that potentially jeopardized protest organizers.

The UN High Commissioner for Human Rights (OHCHR) has expressed further concern regarding penal code reforms passed in October 2021 that impose heavier penalties on charges of usurpation and forced displacement, which the government has used in the past to arbitrarily arrest, criminalize, and prosecute protesters.

Violent crackdowns on electoral rallies and celebrations like those seen in 2017 were not repeated during the 2021 election period. Large political rallies by both the PN and opposition parties were undisturbed, and large public gatherings were held on election day without interference.

Score Change: The score improved from 1 to 2 because past disruptions of election-related gatherings by authorities were not repeated.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

NGOs and their staff, especially in the human rights and environmental fields, face significant threats, including harassment, surveillance, smear campaigns aimed at undermining their work, and violence. Since January 2014, the Inter-American Commission on Human Rights (IACHR) and the OHCHR have documented the murders of at least 75 human rights defenders. Activists from the Garifuna community have been especially targeted in recent years.

In 2018, a court convicted seven suspects in the prominent 2016 killing of environmental and indigenous rights activist Berta Cáceres; they received multidecade sentences

in 2019. In July 2021, David Castillo, the former head of a dam company, was convicted of murder for his role in planning Cáceres's assassination.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Labor unions are well organized and can strike, though labor actions have resulted in clashes with security forces. The government does not always honor formal agreements entered with public-sector unions. Union leaders and labor activists in both the public and private sector face harassment, dismissal, and violence for their activities. According to a report published in June 2020 by the Network Against Anti-Union Violence, 36 trade unionists were murdered between 2009 and 2019.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Political and business elites exert excessive influence over the judiciary, including the Supreme Court. Judicial appointments are made with little transparency, and the UN Special Rapporteur on the independence of judges and lawyers reported in June 2020 that the Supreme Court maintains excessive control over lower-level judicial appointments. The Special Rapporteur also noted Congress's excessive power over the judiciary. Judges have been removed from their posts for political reasons, and several lawyers have been killed in recent years.

In October 2021, Congress passed reforms limiting the public prosecutor's office access to financial information in cases of corruption, curtailing the ability of the office to operate effectively.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process is limited due to a compromised judiciary and a corrupt and often inept police force, in which many officers have engaged in criminal activities including drug trafficking and extortion. The government has increasingly utilized the armed forces to combat crime and violence. Arbitrary arrests and detentions are common, as is lengthy pretrial detention.

The new criminal code entered into force in June 2020 despite criticism by human rights groups, including over the continued criminalization of insult and slander, definitions of torture and enforced disappearance that were inconsistent with international standards, and a litany of ambiguously worded provisions that could affect free association and assembly rights. According to the OHCHR, the code did contain alternative sentencing provisions that could alleviate severe overcrowding in the country's prisons.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The homicide rate has declined notably over the last decade, but violent crime and gang violence remain serious problems, and have prompted large-scale internal displacement and migration. More than 3,600 people were killed in 2021, resulting in a homicide rate of about 39 per 100,000 people.

In response to widespread violence, the government has empowered the Military Police of Public Order (PMOP) and other security forces to combat security threats, and these units often employ excessive force when conducting operations.

Prisons are overcrowded and underequipped, and prison violence remains rampant due in large part to pervasive gang presence. Despite the military taking control of prison security in late 2019, violence has continued to rise, leading to the murder of dozens of inmates.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Violence and discrimination against LGBT+ people and Indigenous and Garifuna populations persist at high levels in Honduras. The Catrachas Lesbian Response Network (Catrachas), a local NGO, reported an impunity rate of 91 percent in the 373 murders of LBGT+ people between 2009 and 2020. According to the OHCHR, at least 28 LGBT+ people were killed in 2021, including at least five transgender people; Honduras has the world's highest rate of murders committed against transgender people.

In June 2021, the Inter-American Court of Human Rights (IACHR) issued a landmark ruling, determining that the government was responsible for failing to prevent, investigate, and prosecute the 2009 murder of Vicky Hernández, a transgender woman. This ruling also mandated that the government must allow transgender people to change their gender identity on personal documents and in public records, setting an important precedent in Central America.

According to the OHCHR and the UN Working Group on Business and Human Rights, lands inhabited by Indigenous and Afro-Honduran people are particularly vulnerable to expropriation for development projects without adequate prior consultation, and communities that contest such projects are unable to effectively assert their rights. In February 2021, the United Nations Working Group on Arbitrary Detentions called on the government to release eight human rights activists known as the Guapinol defenders, who had been detained for opposing an iron oxide mine inside a protected national park. The trial began in December, after more than two years of pretrial detention.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

While authorities generally do not restrict free movement, ongoing violence and impunity have reduced personal autonomy for the country's residents. Those living in gang-controlled territories face extortion, and dangerous conditions limit free movement and options for education and employment. The Office of the UN High Commissioner for Refugees (UNHCR) estimated that over 247,000 people were internally displaced in Honduras at the end of 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Corruption, crime, and gang activity inhibits the ability to conduct business activities freely and dissuades entrepreneurs from establishing new businesses. Those who work in the transportation sector (taxi and bus drivers) are notable targets of gangs, but many are unable to flee for fear of retaliatory violence against themselves and their families. According to Human Rights Watch (HRW), the government uses force to prevent people from attempting to flee the country.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Same-sex marriage remains illegal in Honduras. In 2019, a law came into force banning same-sex couples from adopting children despite the objection of activists, who called the bill superfluous and discriminatory.

Abortion is illegal in Honduras, including in cases of rape or incest, with criminal sanctions including imprisonment for those accused of terminating their pregnancies. Emergency contraception is also prohibited.

Domestic violence remains widespread, and most such attacks go unpunished. Honduras has among the highest femicide rates in the world, and these murders are rarely investigated. According to the Center for Women's Rights (CDM), a Honduran NGO, 342 women were killed in 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Lack of socioeconomic opportunities combined with high levels of crime and violence limit social mobility for most Hondurans and exacerbate income inequality. High youth unemployment and low levels of education help to perpetuate the cycle of crime and violence.

Human trafficking is a significant issue in Honduras, which serves as a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor in the agriculture, mining, and other sectors, and as domestic servants.

Hungary

Population: 9,700,000

Capital: Budapest

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: After taking power in the 2010 elections, Prime Minister Viktor Orbán's Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through constitutional and legal changes that have allowed it to consolidate control over the country's independent institutions, including the judiciary. The Fidesz government has since passed antimigrant and anti-LGBT+ policies, as well as laws that hamper the operations of opposition groups, journalists, universities, and nongovernmental organizations (NGOs) that are critical of the ruling party or whose perspectives Fidesz otherwise finds unfavorable.

KEY DEVELOPMENTS IN 2021

- A June law banned the discussion of gender and sexual diversity in schools, the media, advertising, and other public places. The legislation, which conflates pedophilia with homosexuality and expressions of gender identity, was challenged by a European Commission infringement procedure in July. The government also initiated a referendum on further limiting LGBT+ representation in education, scheduled for 2022.
 - In July, an investigation by a team of international journalists, including the Hungarian outlet Direkt36, revealed that independent journalists, businessmen, lawyers, and politicians were the targets of secret surveillance conducted with the Israeli-made spyware, Pegasus. A Fidesz parliamentarian in November admitted the purchase of the spyware but denied allegations that it had been used on Hungarians.
 - In January, the Equal Treatment Authority—one of Hungary's most effective institutional mechanisms to fight discrimination—was abolished. Its powers were transferred to the Commissioner for Fundamental Rights, whose independence and effectiveness is highly questionable.
 - In February, the parliament voted to restructure institutions of higher education, allegedly to increase their competitiveness. Control of 11 public universities, along
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with billions of euros-worth of public assets, was transferred to quasi-public, government-controlled foundations whose boards are controlled by government allies.

POLITICAL RIGHTS: 26 / 40**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The National Assembly elects both the president and the prime minister, meaning the democratic legitimacy of these votes rests largely on the fairness of parliamentary elections. The president's duties are mainly ceremonial, but they may influence appointments and return legislation for further consideration before signing it into law. The president is limited to a maximum of two terms. János Áder, a founding member of Fidesz, has been president since 2012, having won a second five-year term in 2017.

The prime minister holds most executive power. Viktor Orbán has been prime minister since 2010, winning reelection in 2014 and 2018.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect representatives every four years to a 199-seat, unicameral National Assembly under a mixed system of proportional and direct representation (106 from single-member districts and 93 from compensatory party lists). The coalition of Fidesz and its junior partner, the Christian Democratic People's Party (KDNP), won the April 2018 parliamentary elections with 49.3 percent of the vote, capturing exactly two-thirds (133) of the seats. The far-right Movement for a Better Hungary (Jobbik) took 26 seats, a coalition led by the center-left Hungarian Socialist Party (MSZP) won 20 seats, and smaller parties and individuals divided the remainder.

An election monitoring mission performed by the Organization for Security and Co-operation in Europe (OSCE) acknowledged that the elections were generally well administered but noted an "overlap between state and ruling party resources," and added that opaque campaign finance, media bias, and "intimidating and xenophobic rhetoric" hampered voters' ability to make informed choices. While there was no evidence of electoral fraud that could have affected the elections' outcomes, some irregularities were reported, and the OSCE found that rigid adherence to formal regulations by the National Election Commission (NVB) had in effect limited access to legal remedy.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Members of the NVB are nominated by the president and confirmed to nine-year terms by the parliament. There is no formal parliamentary debate or public consultation process to inform the selection of current NVB members, and observers have raised concerns about the body's impartiality. The OSCE 2018 election report noted the NVB's tendency to favor the ruling party when considering complaints over advertising materials. However, the NVB has on a few occasions ruled against Fidesz; they fined Prime Minister Orbán in 2018 for posting an election campaign video in a kindergarten classroom online without permission from the parents.

Nevertheless, Orbán's government has been largely successful in superseding impartiality requirements. In 2019, the Supreme Court effectively offset a long-standing neutrality requirement for state institutions during election campaigns.

The OSCE's 2018 assessment also indicated that citizens were not permitted to participate in election observation at polling places, and that "intimidating rhetoric by the government" discouraged public involvement in election-related activities. Numerous local election commissions operated without an opposition or nonpartisan presence during the 2018 polls.

Since 2010, Fidesz has used its parliamentary supermajority to redraw constituency boundaries in its favor. In November 2021, the Fidesz government amended the electoral law on registering permanent addresses, enabling individuals to create fictional permanent addresses, which could pave the way for possible voter tourism during the 2022 general elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties can organize legally, but they face some practical impediments to garnering popular support. Opposition parties are disadvantaged by the politicized distortion of the advertising market, including the market for the country's many billboards.

Individual politicians face smear campaigns in progovernment media outlets. Opposition parties faced bogus competitors in the 2014 and 2018 elections that may have been created by the government for the purpose of splitting the opposition vote. Authorities have also interfered with opposition figures' peaceful political activities.

The parliament further amended the electoral framework to require that political parties field candidates in 71 (instead of 27) single-member constituencies on a single list, forcing small opposition parties to combine and field one consolidated list of candidates.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Fidesz has dominated the political landscape since the 2010 election. The opposition remains fragmented, and opposition parties increasingly contend with obstacles and restrictions that detract from their ability to gain power through elections. These include unequal access to media, smear campaigns, politicized audits, and a campaign environment skewed by the ruling coalition's mobilization of state resources.

Opposition parties and candidates faced many obstacles in the 2018 parliamentary polls that diminished their ability to freely compete with Fidesz. The OSCE cited the "pervasive overlap between state and ruling party resources," which often made extensive government advertising campaigns indistinguishable from Fidesz promotional materials. Fidesz also disseminated its messages through the public broadcaster, which demonstrated "clear patterns of political bias" in its election-related programming. Further, the government maintains effective control of the State Audit Office (ÁSZ), which monitors campaign activities and party spending. In recent years, the ÁSZ has imposed sanctions only on opposition parties for financial irregularities, while condoning or overlooking problematic spending of state subsidies by Fidesz.

Nevertheless, Fidesz lost control of several cities, including the capital of Budapest, in 2019 local elections. In 2021, opposition parties banded together to organize primaries and select their candidates for the 2022 general elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Individuals are largely able to participate in public affairs without encountering undue influence over their political choices. However, Fidesz has increasingly harnessed its members' political and economic power to sideline opposition groups and prevent them from presenting a meaningful challenge to its dominant position. The 2018 OSCE report found that Roma and other economically marginalized groups were vulnerable to pressure to vote for the ruling parties for "fear of losing access to the limited public works funds."

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in political life, and the share of women in the parliament remains low. Only 26 of 199 National Assembly members and only 3 out of 14 cabinet ministers were women in 2021. Ruling party ministers and progovernment media occasionally make derogatory and sexist remarks toward women in the parliament.

Hungary's constitution guarantees the right of ethnic minority populations to form self-governing bodies, and all 13 recognized minorities have done so. Minorities can also register to vote for special minority lists—with a preferential vote threshold—in parliamentary elections. Minorities without a parliamentary mandate can send a "national minority advocate" to the parliament without voting rights. Only 1 of the 13 recognized minorities managed to elect a representative with voting rights to the National Assembly in 2018.

Roma have long been underrepresented in politics and government and have been the target of derogatory rhetoric from Fidesz members in recent years.

The political interests of LGBT+ people do not have successful representation in the parliament. In July 2021, Prime Minister Orbán announced that the 2022 polls would include a referendum on a "child protection" law, a euphemism for provisions of another recently passed, anti-LGBT+ law that bans any portrayal of LGBT+ people in materials meant for children.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The governing coalition is effectively able to draft and implement laws and policies without undue interference. Fidesz continues to dominate governance through a parliamentary supermajority acquired by means of elections that were not fully competitive. Prime Minister Orbán, the party's leader, exerts considerable influence over the legislature. The ability of the opposition to check government activities remains limited.

Lawmakers have had their behavior in the National Assembly restricted in several ways since Fidesz won its third term. The speaker of the National Assembly has disciplined and fined lawmakers for occupying the lectern and bringing signs onto the floor.

In March 2020, in response to the COVID-19 pandemic, the government declared a "state of danger" and passed the widely denounced Authorization Act, conferring sweeping emergency powers to the executive. This emergency legal regime enabled the government to rule by decree and was prolonged several times in 2020 and 2021. During this time, the government used its power to seriously restrict civil liberties unrelated to public health. The Constitutional Court has failed to invalidate the questionable laws passed during the state of danger.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a problem in Hungary, and instances of high-level government corruption have not been properly investigated. Prosecutors have also been reluctant to

investigate long-standing allegations of the misuse of public development funds disbursed by the EU, despite the severity of the problem. Fidesz has also established broad control over auditing and investigative bodies, including the ÁSZ.

The December 2021 report of the Group of States against Corruption (GRECO) held that Hungary performed poorly in complying with its recommendations on implementing anticorruption measures in relation to members of the National Assembly, judges, and prosecutors. Transparency International has warned that a number of companies with close ties to the government are supported primarily by public funds.

In 2021, the Fidesz government continued to allocate a substantial amount of public funds for higher education to newly established foundations whose boards are controlled by government allies. In December, a high-ranking government official and member of Fidesz resigned from his post after being charged with accepting bribes.

C3. Does the government operate with openness and transparency? 2 / 4

Hungary's Freedom of Information Act contains numerous exemptions, permits agencies to charge fees for the release of information, and is inconsistently enforced. In many cases, information is only made available as a result of litigation. In November 2020, the parliament amended the legal definition of what constitutes public funds. The new, narrower definition can hamper oversight of large amounts of public money.

Major legislation is frequently rushed through the parliament, leaving citizens and interest groups little time to provide feedback or criticism. Important proposals are hidden in long omnibus bills, and the government tends to submit substantial bills overnight. Journalists, meanwhile, have been curtailed from performing their duties while covering events in the parliament; the speaker prohibited audio and video recording in corridors surrounding the plenary chamber, entrances, and on-site cafeterias in October 2019.

When emergency laws were introduced in April 2020 because of the COVID-19 pandemic, the government significantly extended the deadline for fulfilling freedom of information requests. Critics denounced the extension as unconstitutional and a hindrance to effectively coping with the crisis. In April 2021, the Constitutional Court ruled that while exemptions from the normal deadlines must be limited and had to be justified in writing, extensions themselves were not unconstitutional. Critics have since complained that authorities have abused the exemptions. Since the beginning of the pandemic, the government has not released important epidemiological data to the public.

CIVIL LIBERTIES: 43 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

The constitution protects freedom of the press, but Fidesz has undermined this guarantee through legislation that has politicized media regulation. While private, opposition-aligned media outlets exist, national, regional, and local media are increasingly dominated by progovernment outlets, which are frequently used to smear political opponents and highlight false accusations. Government advertising and sponsorships favor progovernment outlets, leaving independent and critical outlets in a financially precarious position.

The Fidesz governing coalition and their allies have worked to close or acquire critical media outlets. The 2016 closure of Hungary's largest independent daily, *Népszabadság*, represented a particularly serious blow to media diversity. In late 2018, around 470 progovernment media outlets were merged under the Central European Press and Media Foundation (KESMA). The government declared the merger to be of "national strategic importance" to exempt it from competition laws and won the court case that

challenged the move. In 2020, *Index*, the country's largest independent news outlet, was also taken over by progovernment forces.

Changes to the "scaremongering" law in 2020, ostensibly to fight false or distorted information about COVID-19, ultimately challenged journalists' ability to secure reliable sources about the pandemic, as many individuals, especially health care workers, feared retaliation if they provided information publicly. In September 2020, the Media Council revoked the broadcasting license of Klubrádió, the country's biggest independent radio station, and forced it off the air in February 2021. Klubrádió has since operated only online, after a Hungarian court upheld the license revocation.

In July 2021, an investigation by a team of international journalists, including the Hungarian outlet Direkt36, revealed that independent journalists were surveilled by the Hungarian authorities using the Israeli-made spyware, Pegasus.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees religious freedom and provides for the separation of church and state, though these guarantees were weakened in the 2011 version of the constitution, the preamble of which makes direct references to Christianity. Constitutional amendments enacted in 2018 and 2020 reinforced those references, obliging all state organs to protect "Christian culture" and guaranteeing children's right to education based on Christian values.

The government has led xenophobic campaigns in recent years, which has anti-Muslim sentiment.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The Fidesz-led government has maintained its efforts to bring schools and universities under close supervision. A gradual overhaul of the public education system raised concerns about excessive government influence on school curriculums, and legislation adopted in 2014 allows government-appointed chancellors to make financial decisions at public universities. The government has increasingly threatened the academic autonomy of well-established institutions, pulling support, interfering in their affairs, and landing progovernment supporters in leading positions. In 2018, the government revoked accreditation from all gender studies programs.

Progovernment media outlets commonly target activists, academics, programs, and institutions, often by calling them "Soros agents," referring to Hungarian-born financier and philanthropist George Soros. Legal changes enacted by the parliament in 2017 targeted the Central European University (CEU), a graduate school founded by Soros, by changing the requirements for foreign universities to operate in Hungary. The Court of Justice of the European Union (CJEU) later ruled the 2017 changes were incompatible with European Union (EU) law.

The Fidesz government also targeted the Hungarian Academy of Sciences (MTA), stripping the 200-year-old academy of its network of research institutions in 2019 and handing it over to a new governing body. The controversy later abated when the government agreed that the MTA would maintain much of its funding and operational autonomy. However, in 2020, the MTA elected a new president, well-known for his support of the Fidesz government.

In February 2021, the parliament voted to restructure institutions of higher education, allegedly to increase their competitiveness. Control of 11 public universities, along with

billions of euros-worth of public assets, was transferred to quasi-public, government-controlled foundations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While freedom of expression is constitutionally protected, ongoing efforts to sideline voices and perspectives that authorities find unfavorable, including many found at the MTA, CEU, NGOs, and media outlets, have discouraged open criticism of the government and other politically sensitive speech.

In April 2020, at the onset of the COVID-19 pandemic, the parliament broadened the criminal code's definition of "scaremongering" to include the intentional spreading of false or distorted information during a state of emergency and extended the maximum prison sentence to five years.

In July 2021, an investigation by a team of international journalists revealed that journalists, businessmen, lawyers, and politicians were the targets of secret surveillance conducted with the Israeli-made spyware, Pegasus. A Fidesz parliamentarian in November admitted the purchase of the spyware but denied allegations that it had been used on Hungarians. Hungary has failed to fully execute a 2016 European Court of Human Rights ruling to incorporate effective institutional guarantees against improper surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, and the government generally respects this right in practice. Fidesz's electoral victory in 2018 prompted large crowds to turn out for peaceful antigovernment demonstrations.

The government continued for months into 2021 the total ban on demonstrations introduced in 2020 to prevent the spread of COVID-19, despite permitting other forms of public events and gatherings.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

NGOs whose activities conflict with government priorities have come under continued pressure since Fidesz took power. Fidesz has instituted burdensome registration and reporting requirements for NGOs, and police have illegally raided NGO offices. Organizations assisting asylum seekers have also been subject to Hungary's "Stop Soros" laws in 2018, which heavily restricted the right to asylum and criminalized activities supporting asylum seekers. The CJEU ruled in November 2021 that the "Stop Soros" laws violated EU law.

The government continues to stigmatize NGOs as "foreign agents" or "Soros agents," and frequently scapegoats them for developments unfavorable to the government or deemed unpopular in the eyes of the public.

In 2020, the CJEU ruled that the 2017 Act on the Transparency of Organizations was incompatible with EU jurisprudence. In May 2021, in response to this judgment, a new law on the transparency of NGOs was adopted, requiring civil society organizations to submit to yearly financial audits by the ÁSZ should they report donations of more than 55,000 euros.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers' rights to form associations and bargain collectively are generally recognized, but the 2012 Labor Code weakened the position of trade unions by curtailing their rights.

There are significant limitations on what can be considered a lawful strike, and the government has successfully blocked efforts to organize strikes in recent years. Union membership is low, trade unions are present in less than 25 percent of workplaces, and only 7 percent of workers belong to one.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence remains a matter of concern. All 11 judges appointed to the Constitutional Court between 2010 and 2014 were named by the Fidesz government, and in 2016 a small opposition party was included in the nomination process for four other judges. Rulings in recent years on politically sensitive cases have favored government interests. High-ranking government officials and progovernment media berate judgments that are detrimental to Fidesz's interests.

The government has also interfered with the administration of the judicial branch in recent years. Significant powers are vested in the president of National Judicial Office (NJO), a position occupied by Tünde Handó from 2012 to 2020. The powers of the judicial self-governing body, the National Judicial Council (NJC), which supervises the president of the NJO, are relatively weak. Handó had been regarded as an ally of the Fidesz government in curtailing judicial independence and came into conflict with the NJC many times. He was appointed to the Constitutional Court in 2020 and was replaced by György Barna Senyei, another Fidesz ally.

The parliament sought to create a new administrative court system in 2018, which would have given the minister of justice broad powers to appoint and promote judges. Instead, in late December 2019, the government passed an omnibus bill effectively resurrecting the administrative court circuit. The legislation also restricted judicial interpretation of existing case law and allowed members of the Constitutional Court to assume a seat on the Supreme Court without nomination. In October 2020, Constitutional Court justice Zsolt András Varga, who had written several decisions favorable to the government, was elected president of the Supreme Court, despite the NJC's overwhelming opposition. In addition, administrative authorities were also given the chance to challenge unfavorable rulings directly before the Constitutional Court.

In July 2021, a junior judge who had been removed from her position challenged her dismissal through the European Commission, claiming it was politically motivated; she had challenged Hungarian asylum legislation before the CJEU. In November 2021, the CJEU ruled that exposing judges to disciplinary proceedings for referring questions to the EU court is incompatible with EU law and judicial independence.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are enshrined in the constitution and are generally respected. However, the former head of the NJO, Tünde Handó, was criticized for using her authority to transfer certain cases to courts of her choice. Litigation costs are relatively high, while access to legal aid is limited. There have been concerns about the quality of lawyers appointed for defendants who are unable or unwilling to retain legal counsel on their own.

Hungarian courts have shown some resistance to European judicial oversight on due process matters. In 2019, Hungary's Supreme Court sided with Prosecutor General Péter Polt in his efforts to limit the European Court of Justice (ECJ)'s oversight over a domestic criminal proceeding, in which a lower-level judge sought the ECJ's opinion on its compliance with EU regulations. Polt argued that the judge's request itself was unlawful. In November 2021, the CJEU found that EU law precludes such rulings of the Supreme Court.

In June 2021, the National Assembly passed a measure enabling defendants to claim a compensatory remedy for the excessive length of civil proceedings.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Inadequate medical care and poor sanitation in the country's prisons and detention centers remain problems. The coronavirus presented further challenges to the safety of prisoners and prison staff. In 2020, the government created new facilities that added significantly more space in prisons and detention centers, bringing prison capacities under 100 percent.

Physical abuse by police is a problem, and there are systematic deficiencies in reporting, indicting, investigating, and sanctioning such conduct.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The rights of refugees and asylum seekers are routinely violated in Hungary, where frequent changes to asylum policy—including the uncontested declaration, by law, of Serbia as a safe third country—and the construction of barriers along the country's southern border made it nearly impossible for individuals to apply for asylum and receive protection. In the past, asylum seekers were frequently detained in poorly equipped transit zones, and few were recognized by Hungarian authorities as refugees. In May 2020, the CJEU ruled that Hungarian asylum procedures were incompatible with EU law and placing asylum seekers in the transit zones constituted unlawful detention. The government subsequently closed the transit zones but passed legislation requiring asylum seekers to present their documentation at diplomatic missions in other countries.

Despite EU court rulings, the government has maintained its stance; it continues to train special police units with wide powers to remove migrants from the country. The government has failed to discontinue the practice of "pushbacks," or the removal of asylum seekers to Serbia, in breach of EU law and in violation of the 2020 CJEU ruling. Consequently, in January 2021, the EU border control agency Frontex suspended its operations in Hungary.

Roma are Hungary's largest ethnic minority and face widespread discrimination, societal exclusion, violence, and poverty. Roma students continue to be segregated or improperly placed in schools for children with mental disabilities, a practice that led the European Commission to begin an infringement procedure in 2016. In early 2020, Prime Minister Orbán launched an anti-Roma campaign in response to a court awarding pecuniary damages to Roma pupils for school segregation in the town of Gyöngyöspata. That year, the National Assembly amended public education laws to prevent courts from awarding pecuniary damages for similar future claims. In September 2021, the newly appointed government commissioner for Roma relations publicly supported Orbán's reluctance to pay the damages.

Women in Hungary are subject to employment discrimination and tend to be underrepresented in high-level business positions.

The Fidesz government has been increasingly discriminatory towards LGBT+ people. In 2020, the parliament voted to end the legal recognition of gender identity, passed a law that severely restricts same-sex couples' ability to adopt children, and declared that the legal parents of a child are a woman and a man. Senior Fidesz politicians have made homophobic statements in public, and the government uses anti-LGBT+ rhetoric extensively. A June 2021 law banned the discussion of gender and sexual diversity in schools, the media, advertising, and other public places. The legislation, which conflates pedophilia with homosexuality and expressions of gender identity, was challenged by a European Commission infringement procedure in July. The government also initiated a referendum on further limiting LGBT+

representation in education, scheduled for 2022. Media and NGOs reported a rise in verbal and physical assaults against LGBT+ people since the 2021 law entered into force.

Antisemitism persists in Hungary, and the government's anti-Soros campaigns pander to individuals with those sentiments. Government representatives have sought to establish links between the spread of the COVID-19 pandemic and illegal migration.

In January 2021, the Equal Treatment Authority—one of Hungary's most effective institutional mechanisms to fight discrimination—was abolished. Its powers were transferred to the Commissioner for Fundamental Rights, whose independence and effectiveness is highly questionable.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no significant restrictions on Hungarians' freedom of travel or their ability to change their place of residence or employment. However, a July 2019 law restricts the ability of students and parents to avoid the centralized school system and limits their access to alternative schools.

Movement restrictions and curfews related to the COVID-19 pandemic were instituted based on epidemiological data.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals have the right to own property and establish private businesses. However, the success of a business is somewhat dependent upon its owner's government connections. Businesspeople whose activities are not in line with the financial or political interest of the government are likely to face harassment and intimidation, and subject to increasing administrative pressure for a possible takeover.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The constitution enshrines the concept of marriage as a union between a man and a woman. LGBT+ Hungarians are allowed to pursue civil unions, but they remain prohibited from adopting children.

In 2020, the National Assembly ended the legal recognition of gender identity for transgender people. As a result of the Ninth Amendment of the Fundamental Law, the constitution now stipulates that "the mother is a woman, the father is a man," and "Hungary protects the right of children to self-identify in line with their birth sex." Furthermore, the law effectively limits the right to adoption only to married couples, excluding single people and non-married partners—among them same-sex couples—from this right. Human rights NGOs condemned the amendments for stigmatizing and discriminating against LGBT+ people.

Domestic violence and spousal rape are illegal, but the definition of rape hinges on the use of force or coercion, not on lack of consent. NGOs describe government responses to violence against women as inadequate. In May 2020, the parliament rejected the ratification of the Istanbul Convention over what parliamentarians considered to be the destructive nature of the convention's gender ideology and the document's preferential treatment for asylum seekers on the basis of gender. While the government has opened victim support centers in recent years, there have been numerous media reports about domestic violence cases having fatal consequences. In October 2021, the government vetoed an EU strategy paper on children's rights and protection for its reference to the LGBT+ community.

Though the constitution defines life as beginning from conception, access to abortion is largely unrestricted.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Hungary is a transit point, source, and to a lesser extent, destination for trafficked persons, including women trafficked for prostitution. Prevention, coordination efforts, and processes to identify and support victims remain inadequate, while trafficking investigations and enforcement of relevant laws are unreliable. In 2020, the government adopted a National Strategy against Human Trafficking for 2020–23, which included harsher sanctions for traffickers. The parliament also amended the relevant laws primarily to protect children against sexual exploitation.

A 2018 labor code amendment significantly raised the maximum hours of overtime employers are allowed to ask for per year.

Iceland

Population: 400,000

Capital: Reykjavik

Freedom Status: Free

Electoral Democracy: Yes

Overview: Iceland is a parliamentary democracy with a long history of upholding political rights and civil liberties. However, links between elected representatives and business interests remain a concern, as does the concentration of private media ownership.

KEY DEVELOPMENTS IN 2021

- Parliamentary elections held in September were generally deemed free and fair, and resulted in the governing coalition—composed of the Independence Party (IP), the Left-Green Movement (LGM), and the Progressive Party—keeping its legislative majority. After several weeks of negotiations, the parties agreed to renew their coalition, allowing Prime Minister Katrín Jakobsdóttir to retain her position.
- Immediately following the election, a recount was conducted in Iceland’s north-west electoral district, reportedly due to very close initial results. The legality of the recount, which caused five candidates in that district to lose their seats to other candidates from the same parties, came into question after it was discovered that officials had failed to seal the ballots following the initial count; Parliament confirmed the recount’s validity in November.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president serves as a largely ceremonial chief of state, is directly elected to a four-year term, and is not subject to term limits. President Guðni Thorlacius Jóhannesson was reelected in June 2020 with 92.2 percent of the vote.

The prime minister is the head of government. The leader of the ruling party or coalition usually becomes prime minister; the legitimacy of the prime minister rests primarily

on the conduct of the parliamentary polls. The current prime minister, Katrín Jakobsdóttir of the LGM, first took office in 2017. The governing coalition led by Jakobsdóttir kept its majority following parliamentary elections in September 2021, and after several weeks of negotiations, agreed to continue working together for another term, with Jakobsdóttir retaining her position.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 63-member unicameral Parliament is elected for four-year terms. The 2017 election was the third parliamentary election in four years, following the dissolution of the governing coalition in the wake of a scandal involving then prime minister Bjarni Benediktsson. The IP, the LGM, and the Progressive Party formed a coalition government after several weeks of talks.

Parliamentary elections were held in September, and saw the governing coalition keep its majority, with the IP winning 16 seats, the Progressive Party winning 13, and the LGM winning 8. After several weeks of negotiations, the parties agreed to renew their coalition to govern for another term.

The elections were generally considered free and fair, but were marked by procedural irregularities. In the country's northwest electoral district, extremely close results led to a recount the day after the election, resulting in five candidates—whose electoral victories had been announced earlier that day—losing their seats to five other candidates from the same parties. The legality of the recount, however, came into question after flaws in the district's vote counting process were discovered, including the officials' failure to seal the ballots following the initial count. Parliament confirmed the validity of the recount in November.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The constitution, the election law of 2000, and related legislation establish a clear and detailed framework for conducting elections. Electoral laws are implemented impartially by a variety of national and regional authorities. However, the division of responsibilities between the relevant bodies is not always well defined.

Some of the candidates who lost their parliamentary seats following the recount of the September 2021 parliamentary election results announced plans to lodge a complaint with the European Court of Human Rights (ECtHR) regarding alleged flaws in the counting process. The validity of the recount was confirmed by the parliament several weeks after the election took place.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties form and operate freely, rising and falling according to political developments and the will of the public. Several new parties contested the 2021 parliamentary election, though no representatives from those parties were elected.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties can gain power through free elections, as evidenced by the LGM's gains in 2017 and subsequent inclusion in the coalition government. However, the IP has

only rarely lost its status as the largest party in Parliament and has been included in all but one ruling coalition government since 1991.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

No military, foreign, or religious entities exert undemocratic influence over voters' choices. However, some politicians and parties are closely linked with businesses, which in turn exert significant political influence. Fisheries Minister Kristján Þór Júlíusson is closely affiliated with Samherji, an Icelandic fishing company that was implicated in a scheme to bribe Namibian officials in 2019.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

All Icelandic citizens of adult age may vote in local and national elections. Foreigners can vote in municipal elections if they have been residents for at least five years, or three years if they are citizens of Nordic countries.

The interests of women and LGBT+ people are well represented in politics. Following the 2021 parliamentary election, women make up nearly 48 percent of Parliament; prior to the northwest district's recount, women were poised to hold more than 50 percent of the seats in Parliament, which would have made Iceland the first European country with more women legislators than men.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected head of government and national legislative representatives determine the policies of the government.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While Iceland maintains robust anticorruption laws, public officials and major companies have engaged in corrupt behavior. Some officials implicated in corrupt or unsavory behavior have continued to serve in government.

In 2018, the Council of Europe's Group of States against Corruption (GRECO) published a report urging the government to strengthen regulations on accepting third-party gifts and criticizing the inadequate enforcement of conflict-of-interest rules. New conflict-of-interest legislation for ministers, their advisers, and permanent secretaries entered into force in January 2021 alongside a new law protecting whistleblowers that came into effect on the same date.

C3. Does the government operate with openness and transparency? 3 / 4

Iceland made changes to its Information Act in 2013 to strengthen existing legislation on transparency and freedom of information. However, the act has been criticized by press freedom advocates as having weak provisions. In the past, public officials have sought to conceal information that may be embarrassing or implicate them in wrongdoing.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF 15 / 16

D1. Are there free and independent media? 3 / 4

The constitution guarantees freedom of speech and of the press. The autonomous Icelandic National Broadcasting Service (RÚV) competes with private radio and television

stations. Private media ownership is highly concentrated, with the media company 365 controlling most major private television and radio outlets, as well as free newspaper *Fréttablaðið*, which enjoys the highest circulation in the print market.

Reports emerged in May 2021 claiming that Samherji, a large Icelandic fishing company implicated in a 2019 corruption scandal, had tried to undermine and control public debate by spying on, intimidating, and attacking the credibility of journalists and civil society organizations that had reported on the corruption allegations. Samherji has also been accused of attempting to interfere in the Union of Icelandic Journalists' leadership elections.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of religion, which is generally upheld in practice. About 60 percent of Icelanders belong to the Evangelical Lutheran Church.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected, and the education system is free of excessive political involvement.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People in Iceland may freely discuss personal views on sensitive topics without fear of surveillance or retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is generally upheld. In recent years, however, police have faced criticism for arresting or forcefully dispersing peaceful protesters under a broadly worded provision of the Police Law of 1996.

Icelandic authorities issued varying public-assembly restrictions based on the spread of COVID-19 during 2020 and 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) may form, operate, and fundraise freely, and frequently inform policy discussions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The labor movement is robust, with more than 80 percent of all eligible workers belonging to unions. Most unions have the right to strike, except for the National Police Federation.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is generally independent. Judges are proposed by an Interior Ministry selection committee, are formally appointed by the president, and are not subject to term limits. However, in 2017, former justice minister Sigríður Andersen interfered in the selection process for the Court of Appeals when she selected nominees who were considered unqualified to that court. In 2020, the Grand Chamber of the ECtHR ruled that the government

violated the European Convention on Human Rights (ECHR) when a defendant was judged by one of Andersen's nominees.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The law does not provide for trial by jury, but many trials and appeals use panels of several judges. Prison conditions generally meet international standards.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Police are generally responsive to incidents of violence. War and insurgencies are not a concern.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution states that all people shall be treated equally before the law, regardless of sex, religion, ethnic origin, race, or other status. However, in 2017, the European Commission against Racism and Intolerance (ECRI) noted an apparent rise in racist discourse in Iceland in recent years.

The rate of refugee recognition in Iceland is low compared to other northern European countries. In 2019, authorities deported an Albanian family—including a heavily pregnant woman who had received medical certification that she was unfit to fly—even though an appeal against their deportation was still under consideration. The family was ultimately removed from Iceland. The Directorate of Immigration has repeatedly been accused of using excessive force in carrying out deportations.

Immigrants who do not fluently speak Icelandic often face barriers to employment. Until 2019, noncitizens were prohibited from employment in the public sector.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is constitutionally protected and respected in practice. Although travel to and from Iceland has been affected by COVID-19-related regulations, a total lockdown has never been imposed.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

There is generally no undue government interference in business or private property ownership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Parliament unanimously passed a law legalizing same-sex marriage in 2010, and a 2006 law established full and equal rights for same-sex couples in matters of adoption and assisted pregnancy. A comprehensive law on transgender issues that was adopted in 2012 and expanded upon in 2019 simplified legal issues pertaining to gender reassignment surgery, ensured full and equal rights for transgender people, and guaranteed relevant health care. Additionally, Iceland allows individuals to change their legal gender identification on the basis of self-determination.

Abortion legislation was amended in 2019 to allow abortions through the 22nd week of pregnancy without requiring special approval.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Citizens generally enjoy fair access to economic opportunity. However, the systematic exploitation of migrant workers, including underpaying employees and denying overtime, has become a significant problem in recent years, especially in the tourism industry. Employers who exploit workers have largely acted with impunity due to an inadequate government response. Wage theft is not punishable by law. There are reports of forced labor, primarily involving migrants, in the construction and service industries, and of forced sex work in nightclubs.

Iceland criminalized human trafficking in 2009. In the 2021 edition of its *Trafficking in Persons Report*, the US State Department reported that no one had been prosecuted or convicted of trafficking in Iceland since 2010. However, the State Department did note an increase in investigations into trafficking cases and in the identification of potential victims, as well as the creation of a centralized database for gathering victim information.

India

Population: 1,393,000,000

Capital: New Delhi

Freedom Status: Partly Free

Electoral Democracy: Yes

Note: The numerical scores and status listed above do not reflect conditions in Indian Kashmir, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: While India is a multiparty democracy, the government led by Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP) has presided over discriminatory policies and a rise in persecution affecting the Muslim population. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists, nongovernmental organizations (NGOs), and other government critics has increased significantly under Modi. Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis) remain economically and socially marginalized.

KEY DEVELOPMENTS IN 2021

- In February, the government introduced new rules that made it easier for authorities to compel social media platforms to remove unlawful content. Among other removals during the year, Twitter was ordered to take down posts that criticized the government's handling of the COVID-19 pandemic.
 - Several states governed by the BJP passed or proposed "love jihad" laws meant to curb the alleged practice of Muslim men marrying Hindu women in order to
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convert them to Islam—a Hindu nationalist conspiracy theory. The legislation effectively created obstacles to interreligious marriage and came in the context of escalating threats and violence against the Muslim community.

- A media investigation found in July that Pegasus spyware had been detected on smartphones belonging to dozens of leading opposition politicians, activists, businesspeople, and journalists.
- Also in July, an 84-year-old Jesuit priest who had advocated for Adivasi rights died in custody, having been arrested on dubious terrorism charges under the Unlawful Activities Prevention Act (UAPA) in October 2020.
- Prominent opposition leaders were arrested in October while trying to visit the scene of a deadly incident in which a car in a government minister's convoy allegedly struck protesting farmers. The lengthy protests were organized in opposition to 2020 laws regulating the agricultural sector; Parliament ultimately repealed the laws in November.

POLITICAL RIGHTS: 33 / 40 (-1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive elections and selection procedures are generally regarded as free and fair. Executive power is vested in a prime minister, typically the leader of the majority party in the Lok Sabha (House of the People), and a cabinet of ministers nominated by the prime minister. They are appointed by the president and responsible to the Lok Sabha. Narendra Modi was sworn in for a second term as prime minister after the BJP's victory in the 2019 Lok Sabha elections.

The president, who plays a largely symbolic role, is chosen for a five-year term by state and national lawmakers. Current president Ram Nath Kovind, a Dalit and a veteran BJP politician, was elected in 2017.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 543-seat Lok Sabha, the lower house of Parliament, are directly elected in single-member constituencies for five-year terms. Most members of the less powerful 245-seat upper house, the Rajya Sabha (Council of States), are elected by state legislatures using a proportional-representation system to serve staggered six-year terms; up to 12 members are appointed by the president.

The most recent Lok Sabha elections were held in seven phases in April and May 2019. The ruling BJP won 303 seats, giving its National Democratic Alliance coalition a stable majority of 353 seats. The opposition Indian National Congress party placed a distant second with 52 seats, for a total of 92 seats with its partners in the United Progressive Alliance. Smaller parties and independents took the remainder. Voter turnout was 67 percent. The elections were considered generally free and fair, though some violations of campaign rules were reported.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections for the central and state governments are overseen by the independent Election Commission of India. The head of the commission is appointed by the president and serves a fixed six-year term. The commission is generally respected and had been thought to

function without undue political interference. In recent years, however, its impartiality and competence have been called into question. In 2021, the commission's decisions concerning the timing and management of state elections in West Bengal, and its response to political violence ahead of those elections, were seen as biased toward the BJP.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

Political parties are generally able to form without interference, and a wide variety of parties representing a range of views and interests compete in practice. However, the ruling party has used various tools to limit campaigning by opposition parties. In October 2021, a number of opposition leaders were arrested in Uttar Pradesh as they attempted to visit the site of a lethal incident in which a car in a BJP cabinet minister's convoy allegedly struck protesting farmers.

The opaque financing of political parties is a serious source of concern. A system of electoral bonds, introduced in 2017, allows donor identities to be known to the State Bank of India but obscured from the public, and it has contributed to major fundraising advantages for the BJP. In addition, the government, through the Criminal Bureau of Investigation, has selectively pursued anticorruption investigations against opposition politicians while overlooking allegations against political allies.

Score Change: The score declined from 4 to 3 because the ruling BJP has disproportionately benefited from an officially sanctioned campaign-funding mechanism, and because the government has selectively used investigative bodies to target opposition parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Different parties regularly succeed one another in government at the state and national levels. Modi and the BJP took power after the 2014 elections, ending 10 years of government by the Congress party, and were reelected by a wide margin in the 2019 parliamentary elections. In 2021, the BJP lost state elections in West Bengal, Tamil Nadu, and Kerala, but its coalition scored a victory in Assam.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Political participation, while generally free, is hampered by insurgent violence in certain areas. Separately, some political actors have sought to inflame communal tensions with the goal of energizing their own supporters while potentially intimidating opponents.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and members of religious and ethnic minorities vote in large numbers and have opportunities to gain political representation. In 2019, for the first time, the rate of women's voting in national elections equaled that of men. Quotas for the Lok Sabha ensure that 84 and 47 seats are reserved for the so-called scheduled castes and scheduled tribes, respectively. State assemblies and local bodies feature similar quotas for these historically disadvantaged groups, as well as for women representatives. However, marginalized segments of the population continue to face practical obstacles to full political representation. Muslim candidates notably won 27 of 545 seats in the 2019 Lok Sabha elections, up from

22 previously. However, this amounted to just 5 percent of the seats in the chamber, whereas Muslims make up some 14 percent of the population.

The political rights of India's Muslims continue to be threatened. In December 2019, Parliament adopted the Citizenship Amendment Act (CAA), which grants special access to Indian citizenship to non-Muslim immigrants and refugees from neighboring Muslim-majority states. At the same time, the government moved forward with plans for the creation of a national register of citizens. Many observers believe that the register's purpose is to disenfranchise Muslim voters by effectively classifying them as illegal immigrants. Importantly, Muslims disproportionately lack documentation attesting to their place of birth. Undocumented non-Muslims, meanwhile, would be eligible for citizenship through a fast-track process under the CAA.

The citizenship status of nearly two million residents of Assam remains in doubt after a citizens' register was finalized in the northeastern state in 2019. In 2021, detention camps continued to be constructed for those expected to be declared illegal residents. Assam is home to a significant Muslim minority population, as well as many people classified as members of scheduled tribes.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

India's elected leaders have the authority to set government policies, draft and enact legislation, and govern the country's territory in practice.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Large-scale political corruption scandals have repeatedly exposed bribery and other malfeasance, but a great deal of corruption is thought to go unreported and unpunished, and the authorities have been accused of selective, partisan enforcement.

The Lokpal and Lokayuktas Act of 2014 created independent national and state bodies tasked with receiving complaints of corruption against public servants or politicians, investigating such claims, and pursuing convictions through the courts. However, the new agencies have been slow to begin operations; key positions remained unfilled during 2021, and little progress was made on investigations into graft allegations against public officials. Many fewer complaints were submitted to the Lokpal in 2021 than in previous years.

C3. Does the government operate with openness and transparency? 3 / 4

The public generally has some access to information about government activity, but the legal framework meant to ensure transparency has been eroded in recent years. The 2014 Whistleblowers Protection Act was regarded as limited in scope, and subsequent amendments have drawn criticism for further undermining it.

Millions of requests are made annually under the 2005 Right to Information (RTI) Act, and responses have been used to improve transparency and expose corrupt activities. However, most requesters do not receive the information sought, including those seeking information about core government policies, and noncompliant officials generally go unpunished. Dozens of right-to-information users and activists have been murdered since the act's introduction, and hundreds have been assaulted or harassed. In 2019, Parliament adopted amendments to the RTI Act that placed the salaries and tenures of the central and state-level information commissioners under the control of the central government, potentially exposing the commissioners to political pressure. Vacancies also impede the workings of these commissions. In 2021, the information commissions of six states either lacked a head or were altogether inoperative.

CIVIL LIBERTIES: 33 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 2 / 4**

The private media are somewhat vigorous and diverse, and investigations and scrutiny of politicians do occur. However, attacks on press freedom have escalated dramatically under the Modi government, and reporting has become significantly less ambitious in recent years. Authorities have used security, defamation, sedition, and hate speech laws, as well as contempt-of-court charges, to quiet critical voices in the media. Hindu nationalist campaigns aimed at discouraging forms of expression deemed “antinational” have exacerbated self-censorship. Online disinformation from inauthentic sources is ubiquitous in the run-up to elections. Separately, revelations of close relationships between politicians, business executives, and lobbyists, on one hand, and leading media personalities and owners of media outlets, on the other, have dented public confidence in the press. In 2021, leaked text messages indicated that a leading progovernment journalist had privileged access to top-secret information regarding national security.

Also during 2021, several journalists were arrested for their reporting on the farmer protests against government-backed agricultural reforms. A Muslim journalist, Siddique Kappan, remained in detention after his October 2020 arrest for attempting to cover the alleged gang rape of a Dalit woman. In addition to criminal charges, journalists risk harassment, death threats, and physical violence in the course of their work. Such attacks are rarely punished, and some have taken place with the complicity or active participation of police. Five deadly attacks on journalists were reported in 2021, according to the Committee to Protect Journalists—the highest figure for any country.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

While Hindus make up about 80 percent of the population, the Indian state is formally secular, and freedom of religion is constitutionally guaranteed. However, a number of Hindu nationalist organizations and some media outlets promote anti-Muslim views, a practice that the government of Prime Minister Modi has been accused of encouraging. Attacks against Muslims and others in connection with the alleged slaughter or mistreatment of cows, which are held to be sacred by Hindus, continued in 2021. The BJP has faced criticism for failing to mount an adequate response to cow-related violence.

In 2020 individuals charged with orchestrating the illegal 1992 demolition of a prominent mosque in the state of Uttar Pradesh were acquitted by a special court, despite substantial evidence of their culpability. Among those exonerated were several high-profile members of the BJP. Modi had laid the foundation stone for a new Hindu temple on the site a month earlier, after a long-awaited 2019 Supreme Court judgment had permitted the construction of a temple there. The mosque had stood on the site for centuries prior to its unlawful destruction.

Legislation in several states criminalizes religious conversions that take place as a result of “force” or “allurement,” which can be broadly interpreted to prosecute proselytizers. Some states require government permission for conversion.

There was an apparent increase in attacks by Hindu extremists on India’s small Christian community in 2021, with aggressors reportedly motivated by hostility toward religious conversions and encouraged in their crimes by impunity or official complicity.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom has significantly weakened in recent years, as intimidation of professors, students, and institutions over political and religious issues has increased. Members of the student wing of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS)—from which the ruling BJP is widely regarded to have grown—have engaged in violence on campuses across the country, including attacks on students and professors. University administrators and faculty have been investigated, disciplined, or compelled to step down owing to their perceived political views. Academics face pressure not to discuss topics deemed sensitive by the BJP government, particularly India’s relations with Pakistan and conditions in Indian Kashmir.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Personal expression and private discussion in India had long been open and free. However, colonial-era and other laws have increasingly been invoked in recent years to penalize perceived criticism of the government by ordinary citizens. Activists, Muslims, and members of other marginalized communities are routinely charged with sedition for criticizing the government and its policies.

Numerous sedition cases were initiated during 2021, including against a filmmaker who criticized the government’s pandemic-related policies and an environmentalist who used social media to share a document in support of the farmers’ protest movement. According to one organization, Article14, the number of sedition cases brought against individuals rose by an average of 28 percent annually between 2015 and 2020.

Online “troll armies” associated with the BJP routinely harass individuals—notably Muslims—and organizations for voicing criticism of the government and for engaging in behavior that supposedly deviates from Hindu orthodoxy.

During a surge in the COVID-19 pandemic in early 2021, the government ordered social media platforms to remove content that reflected poorly on its handling of the health crisis, citing its authority under the 2000 Information Technology (IT) Act. In February, the government successfully lobbied Twitter to block over 500 accounts, some of which were related to the farmers’ protests, and to make others invisible within India; Twitter employees within India were threatened with jail time if they did not comply. Also that month, the government introduced new regulatory rules that increased social media companies’ liability for material posted on their platforms and effectively encouraged more aggressive content restrictions.

A nationwide Central Monitoring System launched in 2013 is meant to enable authorities to intercept any digital communication in real time without judicial oversight, raising concerns about abusive surveillance practices. In 2021, a collaborative investigation by news organizations revealed that the government had likely planted Pegasus spyware on the mobile devices of more than 300 prominent individuals, including members of the main national opposition party, journalists, judges, businesspeople, and advocates for the rights of minority groups. The government repeatedly rejected demands for an official inquiry into the surveillance, although the Supreme Court took up the case.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 2 / 4

There are legal restrictions on freedom of assembly, including a provision of the criminal procedure code that empowers authorities to restrict public gatherings and impose curfews whenever “immediate prevention or speedy remedy” is required. State and central governments have repeatedly suspended mobile and internet service to curb protests in recent years, including in 2021.

While peaceful demonstrations take place regularly in practice, the national government and some state governments used assembly bans, internet blackouts, and live ammunition between December 2019 and March 2020 to quell widespread protests against the CAA and proposals to roll out a citizens' registration process across the country. Protesters, including students and academics, were detained, denied access to legal representation, and subjected to harsh treatment. In 2021, authorities at times used violence against participants in the farmers' protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

A wide variety of NGOs operate, but some, particularly those involved in the investigation of human rights abuses, continue to face threats, legal harassment, excessive police force, and occasionally lethal violence. Under certain circumstances, the Foreign Contributions Regulation Act (FCRA) permits the federal government to deny NGOs access to foreign funding, and authorities have been accused of using this power selectively against perceived political opponents. In 2020, Amnesty International shuttered its operations in India after authorities froze its bank accounts for alleged foreign funding violations. The FCRA licenses of more than 20,600 groups have been canceled in the past 10 years. Nearly 6,000 licenses were canceled in 2021 alone, including that of Missionaries of Charity, founded by Mother Teresa. Onerous reporting requirements for NGOs have reportedly hampered their efforts to respond to the COVID-19 pandemic.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Although workers in the formal economy regularly exercise their rights to bargain collectively and strike, laws including the Essential Services Maintenance Act have enabled the government to ban certain strikes. Public employees have more limited organizing rights, and private employers are not legally obliged to recognize unions or engage in bargaining.

Mass strikes by farmers and others who objected to the government's 2020 agriculture laws continued into 2021 and were subject to clampdowns by security services.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is formally independent of the political branches of government. Judges, particularly at the Supreme Court level, have traditionally displayed autonomy and activism in response to public-interest litigation. However, lower levels of the judiciary suffer from corruption, and the courts have shown signs of increasing politicization. Several key Supreme Court rulings in recent years have been favorable to the BJP, including the 2019 decision allowing the construction of a Hindu temple on the site of a historic mosque, and a 2020 decision to deny bail to a scholar and prominent critic of Modi who was charged with supporting a banned Maoist group.

In 2020, the president appointed a recently retired chief justice to the upper house of Parliament, a rare move that critics viewed as a threat to the constitutional separation of powers. In 2021, the government declined—apparently for political reasons—to appoint a number of senior judges who had been recommended by the Supreme Court body responsible for identifying appropriate judicial candidates, contributing to an accumulation of vacancies.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are not consistently upheld. Citizens face substantial obstacles in the pursuit of justice, including demands for bribes and difficulty getting the police to file a First

Information Report, which is necessary to trigger an investigation of an alleged crime. Corruption within the police force remains a problem. The justice system is severely backlogged and understaffed, leading to lengthy pretrial detention for suspects, many of whom remain in jail longer than the duration of any sentence they might receive if convicted.

A number of security laws allow detention without charge or based on vaguely defined offenses. The UAPA in particular has been used extensively in recent years to hold individuals for long periods without trial or specific evidence of guilt. The July 2021 death in custody of Stan Swamy, an ailing 84-year-old Jesuit priest and Adivasi rights advocate who had been detained since October 2020 for supposed terrorist activity, prompted renewed calls to repeal the UAPA.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Torture, abuse, and rape by law enforcement and security officials have been reported. A bill intended to prevent torture remains pending. Abuses by prison staff against people in custody, particularly those belonging to marginalized groups, are common. Figures reported to Parliament in August 2021 indicated that 5,569 people had died in judicial or police custody in the previous three years.

Security forces battling regional insurgencies continue to be implicated in extrajudicial killings, rape, torture, kidnappings, and destruction of homes. While the criminal procedure code requires that the government approve the prosecution of security force members, approval is rarely granted, leading to impunity.

The Maoist insurgency in the east-central hills region of India continues, though the annual number of casualties linked with it has decreased significantly since a peak in 2010. Among other abuses, the rebels have allegedly imposed illegal taxes, seized food and places of shelter, and engaged in abduction and forced recruitment of children and adults. Local civilians and journalists who are perceived to be progovernment have been attacked. Tens of thousands of civilians have been displaced by the violence and live in government-run camps.

Separately, in India's seven northeastern states, more than 40 insurgent factions—seeking either greater autonomy or complete independence for their ethnic or tribal groups—continue to attack security forces and engage in intertribal violence. Such fighters have been implicated in bombings, killings, abductions, and rapes of civilians, and they operate extensive extortion networks.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution bars discrimination based on caste, and laws set aside quotas in education and government jobs for historically underprivileged scheduled tribes, Dalits, and groups categorized by the government as “other backward classes.” However, members of these populations face routine discrimination and violence, and the criminal justice system fails to provide equal protection to marginalized groups.

In parts of the country, particularly in rural areas, informal community councils issue edicts concerning social customs. Their decisions sometimes result in violence or persecution aimed at those perceived to have transgressed social norms, especially women and members of scheduled castes. Other forms of discrimination faced by women include workplace bias and sexual harassment. Indian participation in the international #MeToo movement against sexual harassment and assault has raised awareness of the problem, but women have also endured reprisals after reporting cases, and the movement's reach has largely been limited to the country's urban middle class.

In 2018, the Supreme Court ruled that the use of Section 377 of the Indian penal code to ban same-sex intercourse was unconstitutional, and courts have since pressed state and national authorities to combat discrimination against LGBT+ people. Such discrimination continues, however, sometimes including violence and harassment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The constitution grants citizens the right to reside and settle in any part of the territory of India. However, freedom of movement is hampered in some parts of the country by insurgent violence or communal tensions. Several states have recently enacted legislation requiring companies to reserve jobs for locals, limiting opportunities for interstate migration, although reports point to limited enforcement of the quotas thus far.

India's large internal migrant population suffered significant hardships during the early stages of the COVID-19 pandemic in 2020, as the government imposed an excessively harsh lockdown that offered little assistance or security to low-paid workers, millions of whom were consequently compelled to travel from cities to their native villages for lack of employment and essential supplies. During a new wave of the pandemic in 2021, migrants once again fled cities en masse in response to subnational lockdown measures and received minimal aid from official sources.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although the legal framework generally supports the right to own property and engage in private business activity, property rights are somewhat tenuous for tribal groups and other marginalized communities, and members of these groups are often denied adequate resettlement opportunities and compensation when their lands are seized for development projects. While many states have laws to prevent transfers of tribal land to nontribal groups, the practice is reportedly widespread, particularly with respect to the mining and timber industries. Muslim personal status laws and traditional Hindu practices discriminate against women in terms of property rights and inheritance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Rape and other sexual abuse are serious problems, and scheduled-caste and tribal women are especially vulnerable. Mass demonstrations after the fatal gang rape of a woman on a Delhi bus in 2012 prompted the government to enact significant legal reforms, but egregious new rape cases continue to surface. The criminal justice system as well as prominent politicians have been repeatedly faulted for their poor handling of such matters.

Despite criminalization and hundreds of convictions each year, dowry demands surrounding marriage persist, sometimes resulting in violence. A 2006 law banned dowry-related harassment, widened the definition of domestic violence to include emotional or verbal abuse, and criminalized spousal sexual violence. However, reports indicate that enforcement is poor.

In 2020 and 2021, several BJP-led states passed or proposed laws meant to stem the alleged practice of "love jihad"—a baseless conspiracy theory according to which Muslims marry Hindu women with the goal of converting them to Islam. The legislation effectively created obstacles to interfaith marriages and raised the risk of legal penalties, harassment, and violence for interfaith couples.

Muslim personal status laws and traditional Hindu practices feature gender discrimination on matters such as marriage, divorce, and child custody. A Muslim divorce custom allowing a man to unilaterally and summarily divorce his wife was criminalized in 2019. The malign neglect of female children after birth remains a concern, as does the banned use of prenatal sex-determination tests to selectively abort female fetuses.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The constitution bans human trafficking, and bonded labor is illegal, but estimates of the number of workers still affected by the practice range from 20 to 50 million. A 2016 law allows children below the age of 14 to engage in “home-based work,” as well as other occupations between the ages of 14 and 18. Children are not permitted to work in potentially hazardous industries, though the rule is routinely flouted. The use of child labor reportedly surged during the COVID-19 lockdowns, as schools were closed and families faced severe economic hardships. There have been reports of complicity by law enforcement officials in human trafficking.

Indonesia

Population: 275,100,000

Capital: Jakarta

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Indonesia has made impressive democratic gains since the fall of an authoritarian regime in 1998, establishing significant pluralism in politics and the media and undergoing multiple, peaceful transfers of power between parties. However, the country continues to struggle with challenges including systemic corruption, discrimination and violence against minority groups, conflict in the Papua region, and the politicized use of defamation and blasphemy laws.

KEY DEVELOPMENTS IN 2021

- In March and April, employees of the Corruption Eradication Commission were required to take a civics test to be inducted into the civil service; the test included religious, personal, and political questions. In May, it was announced that 75 employees had failed the test, with 51 dismissed and 24 allowed to be reinstated after an additional training program.
 - An October presidential regulation declared that Indonesia’s national, philosophical ideology, *Pancasila*, should be the guiding principle in research and innovation policy. Academics fear that authorities will use this decree to prohibit some types of research on grounds that they are incompatible with the ideological principles.
 - Amnesty International Indonesia reported an increase in attacks against human rights defenders throughout the year. In November, explosives were thrown at the home of the parents of human rights lawyer Veronica Koman. Koman lives in self-imposed exile in Australia due to criminal charges against her in Indonesia for circulating fake news and incitement—charges believed to be in retaliation for her human rights work in West Papua.
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POLITICAL RIGHTS: 30 / 40**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is directly elected and serves as both head of state and head of government. Presidents and vice presidents can serve up to two five-year terms. Joko Widodo (known as “Jokowi”), the candidate of the Indonesian Democratic Party of Struggle (PDI-P), won a second term as president in the April 2019 election with 55.5 percent of the vote, defeating former general Prabowo Subianto, the Great Indonesia Movement Party (Gerindra) candidate.

Limited voting irregularities were reported, but the contest was largely considered free and fair by international election monitors. Prabowo’s campaign claimed the election was marred by widespread fraud and vote rigging, but this claim was rejected by the Constitutional Court in June 2019. Jokowi appointed Prabowo as his defense minister.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The House of Representatives (DPR), the main parliamentary chamber, consists of 575 members elected in 34 multimember districts. The 136-member House of Regional Representatives (DPD) is responsible for monitoring laws related to regional autonomy and may also propose bills on the topic. All legislators serve five-year terms with no term limits.

Legislative elections were held concurrently with the presidential race and local contests in April 2019. The PDI-P, led by former president Megawati Sukarnoputri, won 19.3 percent of the vote and 128 seats. Golkar, the party of former authoritarian president Suharto, won 85 seats with 12.3 percent of the vote, followed by Gerindra with 78 seats and 12.6 percent of the vote. Partai NasDem won 59 seats, while the Democratic Party (PD) of former president Susilo Bambang Yudhoyono won 54. Two Islamic parties—the National Mandate Party (PAN) and the United Development Party (PPP)—lost seats from the last parliament, returning with 44 and 19 seats, respectively. Two other Islamic parties, the National Awakening Party (PKB) and the Prosperous Justice Party (PKS), increased their representation, winning 58 and 50 seats, respectively.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The legal framework for elections is largely democratic, and electoral authorities are mostly seen as impartial. However, some legal provisions are problematic. Under a 2012 law, the hereditary sultan of Yogyakarta is that region’s unelected governor.

A 2016 revision to the law governing local elections requires that the Election Oversight Agency (Bawaslu) and the General Elections Commission (KPU) conduct a binding consultation with the parliament and the government before issuing any new regulations or decisions. Activists expressed concerns that the rules would reduce electoral authorities’ independence.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

The right to organize political parties is respected, and the system features competition among several major parties. Four new parties contested the 2019 elections, two of them led by children of former president Suharto.

However, election laws favor large parties by increasing eligibility requirements. The 2017 General Elections Law requires new parties to undergo a “factual verification” process which involves confirming the accuracy of submitted documents on parties’ management, membership, and operations.

Communist parties are banned, and those who disseminate communist symbols or promote communism can face prison sentences of up to 12 years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Indonesia has established a pattern of democratic power transfers between rival parties since 1999. The most recent handover occurred in 2014, when the PDI-P returned to power after losing the previous two presidential elections. However, the 2017 General Elections Law requires parties or coalitions fielding presidential candidates to hold 20 percent of the seats in the parliament or 25 percent of the national vote in the most recent parliamentary election. The provision effectively bars new or smaller parties from fielding candidates in the presidential race.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

While voters and candidates are generally free from undue interference, the military remains influential, with former commanders playing prominent, and growing roles in politics. President Widodo has increasingly appointed prominent military figures to positions within his cabinet, enabling people with a military background to further shape public discourse and policy. Intimidation by nonstate actors—including Islamist groups—remains a problem, as is the growing use of online propaganda in political campaigns.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women enjoy full political rights, and political parties are also subject to 30 percent gender quotas for steering committees and candidates. However, they remain underrepresented in electoral politics, holding 21 percent of the DPR’s seats, though they do sometimes win leadership positions. Puan Maharani, daughter of former president Megawati and granddaughter of former president Sukarno, was elected in 2019 as the first woman speaker of the parliament.

Ethnic Chinese are poorly represented in politics, and often abstain from voting. However, two parties with ethnic Chinese leaders, the Indonesian Solidarity Party (PSI) and United Indonesian Party (Perindo), contested the April 2019 elections. Both parties fell below the 4-percent threshold to earn seats.

Some local governments have discriminated against religious minorities by restricting access to identification cards, birth certificates, marriage licenses, and other bureaucratic necessities, limiting their political rights and electoral opportunities.

LGBT+ people are also poorly represented in electoral politics.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials generally determine the policies of the government, though national authorities have faced difficulties in implementing their decisions due to resistance at the local level. Separately, observers have warned that the military is regaining its influence over

civilian governance and economic affairs. These concerns increased following the beginning of the COVID-19 pandemic in 2020, as military generals served as the heads of both the National Task Force for COVID-19 Management and the Ministry of Health.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains endemic in the national and local legislatures, civil service, judiciary, and police. The most common offenses are embezzlement, bribery, and extortion. Acrimony between rival agencies—particularly the Corruption Eradication Commission (KPK) and the National Police—has hindered anticorruption efforts, and civilian investigators have no jurisdiction over the military.

In 2019, the parliament passed legislation weakening the KPK; requiring all employees to join the civil service and investigators to be from the National Police. As part of their induction into the civil service, in March and April 2021 KPK employees were required to take a civics test that also included religious, personal, and political questions. In May, it was announced that 75 KPK employees had failed the test, with 51 dismissed and 24 allowed to be reinstated after an additional training program.

C3. Does the government operate with openness and transparency? 2 / 4

Although civil society groups can comment on and influence pending policies or legislation, government transparency is limited by broad exemptions in the freedom of information law and obstacles such as a 2011 law that criminalizes leaking vaguely defined “state secrets” to the public.

The 2020 omnibus bill included both new legislation and revisions to 79 existing laws. Critics argued that the government did not adequately consult the public on the content of the law; they claim consultations were deliberately avoided to sow confusion over the law’s provisions. Its passage was also rushed through the parliament. The Constitutional Court largely agreed, ruling the law conditionally unconstitutional in November 2021 due to flaws in the drafting process. The ruling did not revoke the laws passed as a part of the bill but required the government to redraft the legislation with greater adherence to legislative processes, including public consultations.

CIVIL LIBERTIES: 29 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 3 / 4**

Indonesia hosts a vibrant and diverse media environment, though legal and regulatory restrictions hamper press freedom. The 2008 Law on Electronic Information and Transactions (known as UU ITE) extended libel to online media and criminalized the distribution or accessibility of information or documents that are “contrary to the moral norms of Indonesia,” or involve gambling, blackmail, or defamation. This legislation has been used to arrest journalists carrying out legitimate reporting.

Foreign journalists visiting Papua and West Papua continue to report bureaucratic obstacles and deportations. Internet blackouts during protests as well as self-censorship have inhibited press activity. Journalists covering sensitive subjects—including LGBT+ issues, organized crime, and corruption—face harassment, violence, and threats. In June 2021, the chief editor of an online news site in Sumatra was shot and killed while investigating a local night club’s links to organized crime. In March, a journalist from the news outlet Tempo was attacked and detained while investigating a story on corruption in Surabaya. Other journalists have reported attacks such as arson on their cars and homes.

There are growing concerns that the government has used the COVID-19 pandemic to tighten restrictions on journalists, including criminalizing criticism of the government. A 2020 directive issued by the Criminal Investigation Agency allows for up to 18 months of imprisonment for “hostile information about the president and government” or disinformation about the coronavirus.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Indonesia officially recognizes Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. Individuals may leave the “religion” section on their identity cards blank, but those who do—including adherents of unrecognized faiths—often face discrimination. Atheism is not accepted legally, and the criminal code contains provisions against blasphemy, penalizing those who “distort” or “misrepresent” recognized faiths.

National and local governments often fail to protect religious minorities and exhibit bias in investigations and prosecutions. Building a new house of worship requires the signatures of 90 congregation members and 60 local residents of different faiths. The government is redrafting the 2006 Joint Ministerial Decision on the creation and administration of houses of worship, which has been cited as a driver religious conflict. Researchers at the University of Melbourne reported that between 2015 and 2020, there were at least 122 recorded cases of communities across the country opposing the establishment of new places of worship.

Violence and intimidation against Ahmadi and Shiite communities persists. However, in December 2020, the newly appointed religious affairs minister, Yaqut Cholil Qoumas—chair of the Islamic group Nahdlatul Ulama’s youth wing, Ansor—pledged to protect Shia and Ahmadiyya minorities and, promote dialogue among different religious groups. In September 2021, an Ahmadiyya mosque in West Kalimantan was destroyed by a mob of local residents; Qoumas strongly condemned the attack.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Threats to academic freedom have increased in recent years. Hard-line groups and others are known to threaten discussions on LGBT+ matters, interfaith issues, Papua, police violence, and the 1965–66 anticommunist massacres.

Academics have been charged with defamation and removed from their posts for criticism of public officials. In October 2021, President Jokowi pardoned an academic who had been jailed for defamation. The academic had been arrested after commenting on university hiring processes, without naming any particular hires, in a private WhatsApp group chat with other academics.

Public academic discussions on Papua and West Papua have been canceled and organizers surveilled and threatened. Students, student union leaders, and others involved in campus protests against anti-Papuan racism continued to face intimidation, arrest, and treason charges, with authorities linking the antiracism protests to secessionist movements.

The government conducts significant oversight of the university and research sector. University rectors have reported pressure from the Ministry of Education, Culture, Research and Technology to curb student protests. The minister of education’s vote accounts for 35 percent of the total vote share in the election of university rectors; candidates seek to maintain a positive relationship with the ministry and the minister in order to be selected.

An October 2021 presidential regulation declared that Indonesia’s national, philosophical ideology, *Pancasila*, should be the guiding principle in research and innovation policy. Academics fear that authorities will use this decree to prohibit some types of research on grounds

that they are incompatible with the ideological principles. That same month, former president Megawati Sukarnoputri was appointed head of the Board of Directors of the Agency for Research and Innovation. Critics have questioned the legitimacy and motives of the appointment of a politician without an academic background to the leadership of the agency.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Laws against blasphemy, defamation, and certain other forms of speech sometimes inhibit the expression of personal views on sensitive topics, especially online. In 2020, the National Police issued instructions to surveil activists online and engage in creating progovernment counternarratives. Research from the Indonesia Survey Institute and the survey firm Indikator Politik Indonesia have both found that these laws and state practices have had a chilling effect with Indonesians, who reported increasing fears over expressing their opinions online.

Ministerial Regulation 5 (MR5), which came into force in November 2020, requires private digital services and platforms to register with the Ministry of Communication and Information Technology (MICT), or else risk being blocked. Critics allege that the regulation poses significant privacy and freedom of speech risks and provides a tool for the government to censor legitimate speech by placing undue burdens on platforms and services used in Indonesia.

In September, Indonesia's Coordinating Minister for Maritime Affairs and Investment Luhut Binsar Panjaitan filed defamation complaints against the former and current coordinators of the Commission for the Disappeared and Victims of Violence (KontraS), one of Indonesia's oldest and most well-respected human rights organizations. Panjaitan complained that a video published on YouTube made by KontraS, which claims that military operations in Papua are intended to protect mining operations, connects Panjaitan and mining companies in the region, suggesting his involvement in corrupt activities. The President's chief of staff, named Moeldoko, also made a defamation complaint in September against Indonesia Corruption Watch (ICW) because of an ICW study that examined potential corruption in the manufacture and distribution of Ivermectin, a drug to combat the COVID-19 illness. The ICW alleged that Moeldoko and other party members and public officials improperly promoted and distributed Ivermectin as a COVID-19 drug to the economic benefit of their associates and families.

Civil servants are subject to stringent restrictions on online activity. In late 2019, the government formed a task force to review "radical" social media comments from civil servants, including speech believed to insult or criticize the official *Pancasila* ideology, the state motto, the constitution, or the government. The decree governing this new task force also prohibits civil servants from joining organizations deemed to insult the country's governing principles.

The government is known to surveil and detain individuals who discuss separatism in Maluku or Papua or fly the Papuan Morning Star or the Republic of South Maluku (RMS) flag. In May 2021, Victor Yeimo, a spokesman for the West Papua National Committee, was arrested and charged with treason for a 2019 statement made at a protest where he called for a referendum on independence.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is usually upheld, and peaceful protests are common. However, assemblies addressing sensitive political topics—such as the 1965–66 massacres or regional

separatism—are regularly dispersed, with participants facing intimidation or violence from vigilantes or police. Eight students in Jayapura were charged with treason in December 2021 after a peaceful protest during which the Morning Star flag was raised. COVID-19 restrictions have also severely limited the space for protests.

During nationwide protests in 2019, security forces' actions injured 700 people and killed 8 people.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

A 2013 law requires nongovernmental organizations (NGOs) to register with the government and submit to regular reviews of their activities. The law also targets NGOs that commit blasphemy or espouse ideas that conflict with the official *Pancasila* ideology, such as atheism and communism. The government can dissolve noncompliant organizations without judicial oversight.

Authorities and influential Muslim organizations continue to intimidate and harass LGBT+ people and activists. The cumulative effect of this campaign has been to drive the LGBT+ activist community underground and to hamper groups seeking to provide services to LGBT+ people.

Activists working to address human rights violations in Papua and to expose endemic corruption in the country are often targeted by authorities or progovernment supporters. Amnesty International Indonesia reported an increase in attacks against human rights defenders in 2021. In November, explosives were thrown at the home of the parents of human rights lawyer Veronica Koman. Koman lives in self-imposed exile in Australia due to criminal charges against her in Indonesia for circulating fake news and incitement—charges believed to be in retaliation for her human rights work in West Papua.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers can join independent unions, bargain collectively, and with the exception of civil servants, stage strikes. Strikes can be unduly delayed by obligatory arbitration processes, and laws against antiunion discrimination and retaliation are not well enforced. As a result of a memorandum of understanding signed in 2018, the military can assist police in dealing with strikes and demonstrations.

The 2020 omnibus bill came into effect in 2021, challenging workers' rights by abolishing sectoral minimum wages and limiting labor unions' negotiating power, as wages are now set by geography rather than by sector. The bill considerably extended outsourcing permissions for companies. It also reversed hard-won labor protections and reduced job security, by decreasing the number of statutory days off from two to one per week. The government's lack of consultation with existing unions over the law and its opacity about its contents demonstrated the narrowing of space for trade unions and labor organizations.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary has demonstrated its independence in some cases, particularly in the Constitutional Court. However, the court system remains plagued by corruption and other weaknesses. Judicial decisions can also be influenced by religious considerations.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police reportedly engage in arbitrary arrests and detentions, particularly of protesters or activists suspected of separatism. Existing safeguards against coerced confessions are

ineffective, and defendants are sometimes denied proper access to legal counsel, including in death penalty cases.

A number of districts and provinces have ordinances based on Sharia (Islamic law) that are unconstitutional and contradict Indonesia's international human rights commitments.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Deadly confrontations between security forces remain common in Papua and West Papua, with security forces responsible for at least 84 unlawful killings of civilians between 2018 and March 2021. In April 2021, the government designated Papuan "armed criminal groups" as terrorist organizations, intensifying military operations in the region following the death of a brigadier general in Papua's Central Highlands that month—the first general killed in over 50 years of conflict.

Military service members accused of crimes against civilians are tried in military courts, which lack impartiality and often impose light punishments, even for serious human rights violations. Torture by law enforcement agencies is not explicitly criminalized.

Prisons are overcrowded and corrupt, leading to riots, protests, fires, and jailbreaks. Violence related to natural resource extraction remains a problem.

In Aceh, regulations under Sharia permit provincial authorities to use caning as punishment for offenses related to gambling, alcohol consumption, and illicit sexual activity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Papuans face racial discrimination, including from authorities and political parties. In January 2021, Ambronicus Nababan, a former party official and active supporter of President Jokowi, was detained in police custody following a social media post depicting Papuan activist Natalius Pigai, a former commissioner of Indonesia's National Commission on Human Rights (Komnas HAM), alongside a photo of a gorilla.

Some national laws and numerous local ordinances discriminate against women either explicitly or in effect. LGBT+ people suffer from widespread discrimination, legal discrimination in some regions, inflammatory and discriminatory rhetoric from authorities, and attacks by hardline Islamist groups, sometimes with support from local authorities. In January 2021, two gay men were publicly flogged in Aceh, receiving 77 lashes each after vigilantes broke into their room and allegedly caught them engaged in sexual activity. Ethnic Chinese, who make up approximately one percent of the population but reputedly hold much of the country's wealth, are also vulnerable to harassment.

Indonesia grants temporary protection to refugees and migrants but is not party to the 1951 Refugee Convention and does not accept refugees for asylum and resettlement.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The freedoms to travel and change one's place of residence, employment, or higher education are generally respected. However, Indonesians engaging in these administrative processes are sometimes vulnerable to bribery.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

A robust private sector exists, but business activity is hampered by corruption. Property rights are sometimes threatened by state appropriation and licensing of communally owned land to companies, particularly impacting indigenous communities and others with unregistered or customary land rights. Women have relatively poor rights to marital property, as well. Ethnic Chinese in Yogyakarta face restrictions on private property ownership under a 1975 decree that contravenes national laws.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Abortion is illegal except to save a woman's life or in instances of rape. Adults over the age of 15 must have corroboration and witnesses to bring rape charges. The minimum age for marriage is set at 19. Marriages must be conducted under the supervision of a recognized religion, which obstructs interfaith marriages.

Local Sharia-based ordinances in many districts impose restrictions on dress, gambling, alcohol use, and sexual activity; these ordinances are disproportionately enforced against women and LGBT+ people. Public displays of affection are banned in Aceh Province under Sharia-based regulations.

In February 2021, the government issued a new regulation banning state schools from making religious attire part of the school dress code, effectively allowing students and teachers to decide whether to wear the hijab as part of their school uniform. However, the Supreme Court struck down the joint ministerial decree in May, claiming the government had failed to follow proper procedures and citing contradictions in existing law.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

National, provincial, and local authorities set standards for working conditions and compensation, but enforcement is inconsistent. Indonesian workers are trafficked abroad, including women in domestic service and men in the fishing industry.

Iran

Population: 85,000,000

Capital: Tehran

Freedom Status: Not Free

Electoral Democracy: No

Overview: The Islamic Republic of Iran holds elections regularly, but they fall short of democratic standards due in part to the influence of the hard-line Guardian Council, an unelected body that disqualifies all candidates it deems insufficiently loyal to the clerical establishment. Ultimate power rests in the hands of the country's supreme leader, Ayatollah Ali Khamenei, and the unelected institutions under his control. These institutions, including the security forces and the judiciary, play a major role in the suppression of dissent and other restrictions on civil liberties.

KEY DEVELOPMENTS IN 2021

- Judicial chief Ebrahim Raisi was elected president in June, winning 62 percent of the vote in a contest marred by the disqualification or withdrawal of major
-

challengers and official pressure on the media to refrain from critical reporting. Turnout stood at 48.8 percent, the lowest for a presidential poll in the Islamic Republic's history.

- In July, the parliament began considering a bill that would criminalize the use and distribution of virtual private networks (VPNs) and require internet users to provide their legal identities to access online services, among other measures. The bill remained under consideration but was not passed by year's end.
- Demonstrators rallied to protest water shortages and poor living conditions in several provinces in the second half of July, with activity centered in the southern province of Khuzestan. Authorities used lethal force to disperse the protests, causing at least 11 deaths.
- In November, the Guardian Council ratified a law restricting access to abortion and banning the distribution of free contraceptives. The new law can be used on an "experimental" basis for seven years.

POLITICAL RIGHTS: 4 / 40 (-2)

A. ELECTORAL PROCESS: 2 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-1)

The supreme leader, who has no fixed term, is the highest authority in the country. He is the commander in chief of the armed forces and appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council—a body tasked with mediating disputes between the Guardian Council and the parliament. He also appoints six members of the Guardian Council; the other six are jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The supreme leader is appointed by the Assembly of Experts, which monitors his work. However, in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential. The current supreme leader, Ali Khamenei, succeeded Islamic Republic founder Ruhollah Khomeini in 1989.

The president, the second-highest-ranking official in the Islamic Republic, appoints a cabinet that must be confirmed by the parliament. He is elected by popular vote for up to two consecutive four-year terms. Judicial head Ebrahim Raisi won the presidency in June 2021 with 62 percent of the vote, in a contest marred by manipulation on the part of the establishment. The Guardian Council rejected most of the nearly 600 aspiring candidates—including 40 women—in May 2021, approving only 7 applicants. Among those rejected were outgoing first vice president Eshaq Jahangiri, a reformist, and former parliament speaker Ali Larijani, a conservative. Three approved candidates dropped out several days before the poll.

The contest was also affected by official pressure on the media, with journalists told to refrain from issuing reports criticizing the poll or Raisi. Turnout was the lowest in a presidential election in the Islamic Republic's history, at 48.8 percent.

Score Change: The score declined from 1 to 0 because the June presidential election featured unusually heavy regime manipulation to ensure the victory of President Raisi, including pressure on the media and the disqualification or withdrawal of all major challengers, which resulted in a lack of competition and record-low voter turnout.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Members of the 290-seat parliament are elected to four-year terms. Elections for the body were held in February 2020, with most seats going to hard-liners and conservatives

loyal to the supreme leader. Ahead of the vote, the Guardian Council disqualified more than 9,000 of the 16,000 people who had registered to run, including large numbers of reformist and moderate candidates. Voter turnout, the lowest for parliamentary elections in the history of the Islamic Republic at 42.6 percent, was likely depressed by factors including the mass disqualifications and the announcement of the first coronavirus cases just two days before the balloting. The outbreak was believed to have begun weeks earlier, raising suspicions that the authorities delayed disclosing it for political reasons; Khamenei denounced foreign “propaganda” for supposedly exaggerating the health threat to frighten voters.

Elections for the Assembly of Experts, a group of 86 clerics chosen by popular vote to serve eight-year terms, were last held in 2016. Only 20 percent of the would-be candidates were approved to run, a record low. A majority of the new assembly ultimately chose hard-line cleric Ahmad Jannati, head of the Guardian Council, as the body’s chairman. Jannati was reelected to the Assembly of Experts’ chairmanship in February 2021.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral system in Iran does not meet international democratic standards. The Guardian Council, controlled by hard-line conservatives and ultimately by the supreme leader, vets all candidates for the parliament, the presidency, and the Assembly of Experts. The council typically rejects candidates who are not considered insiders or deemed fully loyal to the clerical establishment, as well as women seeking to run in the presidential election. As a result, Iranian voters are given a limited choice of candidates.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Only political parties and factions loyal to the establishment and to the state ideology are permitted to operate. Reformist groups have come under increased state repression, especially since 2009, and affiliated politicians are subject to arbitrary detention and imprisonment on vague criminal charges.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

While some space for shifts in power between approved factions within the establishment has existed in the past, the unelected components of the constitutional system represent a permanent barrier to opposition electoral victories and genuine rotations of power. In May 2021, for example, then outgoing first vice president Jahangiri, who is considered a reformist, was disqualified from running for president.

Top opposition leaders face restrictions on their movement. Mir Hossein Mousavi, Zahra Rahnava, and Mehdi Karubi—leaders of the reformist Green Movement, whose protests were violently suppressed following the disputed 2009 presidential election—have been under house arrest without formal charges since 2011. Restrictions on Mousavi and Karubi have sometimes been loosened in recent years, however; Mousavi and Karubi were allowed to meet relatives in 2017, while Karubi made a public speech in October 2021. Reformist former president Mohammad Khatami is the subject of a media ban that prohibits the press from mentioning him and publishing his photos. Former hard-line president Mahmoud Ahmadinejad, who fell out of favor for challenging Khamenei, was barred from running in the 2017 and 2021 presidential elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The choices of both voters and politicians are heavily influenced and ultimately circumscribed by Iran's unelected state institutions and ruling clerical establishment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Men from the Shiite Muslim majority population dominate the political system. Women remain significantly underrepresented in politics and government. While President Raisi appointed Ensieh Khazali as vice president for women and family affairs in September 2021, he nominated no women to serve in the cabinet the month before. No women candidates have ever been allowed to run for president.

Five seats in the parliament are reserved for recognized non-Muslim minority groups: Jews, Armenian Christians, Assyrian and Chaldean Christians, and Zoroastrians. However, members of non-Persian ethnic minorities and especially non-Shiite religious minorities are rarely awarded senior government posts, and their political representation remains weak.

C. FUNCTIONING OF GOVERNMENT: 0 / 12 (-1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)**

The elected president's powers are limited by the supreme leader and other unelected authorities. The June 2021 presidential election was tightly controlled by the regime, further reducing the democratic legitimacy of the executive.

The powers of the elected parliament are similarly restricted by the supreme leader and the unelected Guardian Council, which must approve all bills before they can become law. The council often rejects bills it deems un-Islamic. Nevertheless, the parliament has been a platform for heated political debate and criticism of the government, and legislators have frequently challenged presidents and their policies.

Score Change: The score declined from 1 to 0 because the tightly controlled June presidential election further reduced the democratic legitimacy of the executive branch and demonstrated the dominance of the state's unelected institutions.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption remains endemic at all levels of the bureaucracy, despite regular calls by authorities to tackle the problem. Powerful actors involved in the economy, including the Islamic Revolutionary Guard Corps (IRGC) and bonyads (endowed foundations), are above scrutiny in practice, and restrictions on the media and civil society activists prevent them from serving as independent watchdogs to ensure transparency and accountability.

The judiciary launched an anticorruption crackdown in 2019, which subsequently triggered high-profile prosecutions of former politicians and court officials. Raisi also made corruption a major theme of his 2017 and 2021 presidential campaigns. However, authorities have resisted recent scrutiny on official corruption; in July 2021, four journalists working for state-run news sites received false news and defamation convictions for reporting on suspected corruption within the Oil Ministry but reportedly received no prison terms.

C3. Does the government operate with openness and transparency? 0 / 4

The transparency of Iran's governing system is extremely limited in practice, and powerful elements of the state and society are not accountable to the public. A 2009

access to information law, for which implementing regulations were finally adopted in 2015, grants broadly worded exemptions allowing the protection of information whose disclosure would conflict with state interests, cause financial loss, or harm public security, among other stipulations.

The ruling establishment has actively suppressed or manipulated information on important topics. For example, the IRGC initially denied involvement in the destruction of a Ukrainian passenger jet in January 2020. Several days after the incident, it admitted its personnel mistook the plane for a missile and shot it down.

The government also engaged in censorship to conceal the extent of the COVID-19 outbreak when it was detected in 2020, reportedly telling journalists to rely only on official statistics and warning health-care workers not to discuss infections or deaths with the media. Officials are known to promote COVID-19-related disinformation; in January 2021, Supreme Leader Khamenei called US- and UK-produced vaccines “completely untrustworthy,” banning their use in Iran.

CIVIL LIBERTIES: 10 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

Media freedom is severely limited both online and offline. The state broadcasting company is tightly controlled by hard-liners and influenced by the security apparatus. News and analysis are heavily censored, while critics and opposition members are rarely, if ever, given a platform on state-controlled television, which remains a major source of information for many Iranians. State television has a record of airing confessions extracted from political prisoners under duress, and it routinely carries reports aimed at discrediting dissidents and opposition activists.

Newspapers and magazines face censorship and warnings from authorities about which topics to cover and how. Tens of thousands of foreign-based websites are filtered, including news sites and major social media services. Satellite dishes are banned, and Persian-language broadcasts from outside the country are regularly jammed. Police periodically raid private homes and confiscate satellite dishes. Iranian authorities have pressured journalists working for Persian-language media outside the country by summoning and threatening their families in Iran.

Iranian authorities placed significant pressure on journalists ahead of the June 2021 presidential election. That month, Reporters Without Borders (RSF) noted that journalists received at least 42 summonses or threats from prosecutors and intelligence agencies after the candidate-registration period ended in May. RSF also reported that foreign journalists were assigned government minders.

Several journalists were detained or imprisoned during 2021. In August, two journalists in western Iran received sentences of two-and-a-half-years’ imprisonment and 90 lashes over false-news accusations; their sentences still required the approval of an appeals court as of that month. Also in August, photojournalist Majid Saeedi was arrested after photographing camps housing Afghan refugees, though no charges were immediately disclosed. In September, financial reporter Amir-Abbas Azarmvand was arrested by intelligence officers on propaganda charges. In November, Manoochehr Aghaei, a reporter for a state-run news site and operator of an independent social media outlet, began an eight-month prison term for “spreading propaganda against the system.”

In November 2021, the Culture Ministry’s Press Supervisory Board revoked the license of state-run daily newspaper *Kelid* after it used a photograph of Supreme Leader Khamenei in an article on poverty.

The Islamic Republic has been known to target Iranian journalists operating abroad; in July 2021, US prosecutors alleged that four Iranians intended to kidnap journalist Masih Alinejad, who fled Iran in 2009, and return her to the country.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Iran is home to a majority Shiite Muslim population and Sunni Muslim, Baha'i, Christian, and Zoroastrian minorities. The constitution recognizes only Zoroastrians, Jews, and certain Christian communities as non-Muslim religious minorities, and these small groups are relatively free to worship. The regime cracks down on Muslims who are deemed to be at variance with the state ideology and interpretation of Islam.

Sunni Muslims complain that they have been prevented from building mosques in major cities and face difficulty obtaining government jobs. In recent years, there has been increased pressure on the Sufi Muslim order Nematollahi Gonabadi, including destruction of its places of worship and the jailing of some of its members.

The government also subjects some non-Muslim minorities to repressive policies and discrimination, including Baha'is and unrecognized Christian groups. Baha'is are systematically persecuted, sentenced to prison, and banned from access to higher education. In May 2021, the Baha'i International Community reported on multiple raids of Baha'i homes, along with the detention of more than 20 people. Later that month, the Revolutionary Court of Borazjan issued prison sentences against six Baha'i; one defendant received an 11-year sentence for "propaganda activities against the regime" for discussing their faith, while the other five received 12-and-a-half-year sentences for "assisting in propaganda activities."

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom remains limited in Iran, and universities have experienced harsh repression since 2009. Khamenei has warned that universities should not be turned into centers for political activities. Students have been prevented from continuing their studies for political reasons or because they belong to the Baha'i community. Foreign scholars visiting Iran are vulnerable to detention on trumped-up charges.

In February 2021, Shahid Beheshti University professor Reza Eslami, a dual Iranian Canadian national, was sentenced to seven years' imprisonment for cooperating with an enemy state after he participated in a training course funded by a US-based nongovernmental organization (NGO). In October, the Court of Appeals in Tehran issued a modified five-year sentence against Eslami.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Iran's vaguely defined restrictions on speech, harsh criminal penalties, and state monitoring of online communications are among several factors that deter citizens from engaging in open and free private discussion. Despite the risks and limitations, many do express dissent on social media, in some cases circumventing official blocks on certain platforms.

In July 2021, the parliament began considering a bill that would impose wide-ranging restrictions on Iranian internet users. The bill would criminalize the use and distribution of VPNs, while users would be required to provide their legal identification to access online services. The bill would also require the operators of foreign social networks and other services to open offices within the Islamic Republic. The bill remained under consideration as of October 2021 and is expected to achieve ratification in 2022.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

The constitution states that public demonstrations may be held if they are not “detrimental to the fundamental principles of Islam.” In practice, only state-sanctioned demonstrations are typically permitted, while other gatherings have in recent years been forcibly dispersed by security personnel, who detain participants.

Authorities responded forcefully to several protests during 2021. Demonstrators in several provinces, including Khuzestan, held rallies over water shortages and poor living conditions beginning in mid-July. Security forces responded by detaining participants and using lethal force as the month progressed. In early August, Amnesty International reported at least 11 deaths at the hands of security forces during the previous month’s protests.

Authorities also used force to disperse a peaceful protest in the city of Naqadeh in early August 2021. Amnesty International reported one death and several dozen injuries in that incident.

Protests over water shortages were held in Isfahan Province beginning in early November 2021. Authorities initially tolerated the protests before launching a crackdown later in the month, using tear gas and guns loaded with shrapnel and arresting 67 people.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

NGOs that seek to address human rights violations are generally suppressed by the state. For example, the Center for Human Rights Defenders (CHRD) remains closed, with several of its members imprisoned. In May 2021, CHRD vice president Narges Mohammadi was sentenced to two-and-a-half years’ imprisonment and 80 lashes by the Tehran Criminal Court in absentia. Mohammadi was taken into custody by intelligence agents in November, after which she was sent to Tehran’s Evin prison to serve her sentence.

Groups that focus on apolitical issues also face crackdowns. In March 2021, a court ordered the dissolution of the Imam Ali Popular Students Relief Society, a prominent NGO that supported the poor and natural disaster survivors. In its ruling, the court sustained an Interior Ministry assertion that the NGO had deviated from its mission and “questioned Islamic rulings.”

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Iran does not permit the creation of labor unions; only state-sponsored labor councils are allowed. Labor rights groups have come under pressure in recent years, with key leaders and activists sentenced to prison on national security charges. Workers who engage in strikes are vulnerable to dismissal and arrest. Several detained labor activists received heavy prison terms of 14 years or more during 2019. One prominent figure, Sepideh Gholian, received temporary medical leave in August 2021 after reportedly receiving a COVID-19 diagnosis. However, Gholian was arrested in October after she publicly discussed the abuse of prisoners in Bushehr Central Prison.

Teachers held a three-day strike over pay and working conditions in December 2021. Rasoul Bodaghi, a board member of the Iran’s Teachers’ Trade Association, was arrested by security officers in Tehran in mid-December. Police officers forcefully dispersed a Tehran rally calling for his release two days later.

F. RULE OF LAW: 3 / 16**F1. Is there an independent judiciary? 1 / 4**

While the courts have a degree of autonomy within the ruling establishment, the judicial system is regularly used as a tool to silence regime critics and opposition members. The

head of the judiciary is appointed by the supreme leader for renewable five-year terms. Deputy head Gholamhossein Mohseni Ejei was named to the judiciary's top post in July 2021, succeeding then president-elect Raisi. Ejei previously served as an intelligence minister and prosecutor general.

Political dissidents and advocates of human and labor rights have continued to face arbitrary judgments, and the security apparatus's influence over the courts has reportedly grown in recent years.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The authorities routinely violate basic due process standards, particularly in politically sensitive cases. Activists are arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes. Lawyers who take up the cases of dissidents have been jailed and banned from practicing, and a number have been forced to leave the country to escape prosecution. In 2019, prominent human rights lawyer Nasrin Sotoudeh was reportedly sentenced to an additional 33 years in prison and 148 lashes for her activities; she had been in prison serving a five-year sentence since mid-2018. In October 2020, Sotoudeh was temporarily released amid concerns about her health following a hunger strike; she remained on leave as of July 2021.

In August 2021, authorities arrested five lawyers, a journalist, and a human rights defender (HRD) who were preparing a lawsuit against officials, alleging mismanagement of the COVID-19 pandemic. While three lawyers and the HRD were released by the end of August, lawyers Arash Keykhosravi and Mostafa Nili remained imprisoned as of December, along with journalist Mehdi Mahmoudian.

Dual nationals and those with connections abroad have also faced arbitrary detention, trumped-up charges, and denial of due process rights in recent years. In August 2021, German Iranian Nahid Taghavi and British Iranian Mehran Raouf both received separate 10-year and 8-month prison sentences on national security charges.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Former detainees have reported being beaten during arrest and subjected to torture until they confess to crimes dictated by their interrogators. Some crimes can be formally punished with lashes in addition to imprisonment or fines. Political prisoners have repeatedly engaged in hunger strikes in recent years to protest mistreatment in custody. In September 2021, Amnesty International reported that at least 72 prisoners died in custody since January 2010; most of these deaths occurred due to torture, the use of firearms or tear gas, or ill-treatment.

Prisons are overcrowded, and prisoners often complain of poor detention conditions, including denial of medical care. Video footage taken in Evin prison and distributed in August 2021 captured incidents where prisoners were assaulted or mistreated, along with evidence of overcrowding. Criminal cases against six prison guards were opened later that month.

Prisoners risk contracting the novel coronavirus while in custody. Relatives of prisoners held in Evin reported an apparent rise in COVID-19 cases at the prison in July 2021 but also reported that COVID-19 testing was not consistently performed there. Writer and director Baktash Abtin, meanwhile, showed COVID-19 symptoms in April 2021 while imprisoned in Evin and was hospitalized in December after testing positive for COVID-19.

Iran has generally been second only to China in the number of executions it carries out, putting hundreds of people to death each year. Convicts can be executed for offenses

other than murder, such as drug trafficking, and for crimes they committed when they were younger than 18 years old. Legislation enacted in 2017 significantly increased the quantity of illegal drugs required for a drug-related crime to incur the death penalty, prompting sentence reviews for thousands of death-row inmates. In August 2021, authorities executed Sajad Sanjari, who was originally arrested on murder charges as a minor in 2010. In November 2021, authorities executed Arman Abdolali, who was arrested on murder charges as a minor in 2014. Also in November, the United Nations noted that over 85 people were on death row for crimes they allegedly committed as minors.

Individuals who perform abortions may face the death penalty under a wide-ranging law ratified by the Guardian Council in November 2021. Under the law, large-scale abortion procedures may be considered acts of “corruption on earth,” a capital offense.

The country faces a long-term security threat from terrorist and insurgent groups that recruit from disadvantaged Kurdish, Arab, and Sunni Muslim minority populations.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women do not receive equal treatment under the law and face widespread discrimination in practice. For example, a woman’s testimony in court is given half the weight of a man’s, and the monetary compensation awarded to a female victim’s family upon her death is half that owed to the family of a male victim.

A majority of the population is of Persian ethnicity, and ethnic minorities experience various forms of discrimination, including restrictions on the use of their languages. Some provinces with large non-Persian populations remain underdeveloped. Activists campaigning for the rights of ethnic minority groups and greater autonomy for their respective regions have come under pressure from the authorities, and some have been jailed.

Members of the LGBT+ community face harassment and discrimination, though the problem is underreported due to the criminalized and hidden nature of these groups in Iran. The penal code criminalizes all sexual relations outside of traditional marriage, and Iran is among the few countries where individuals can be put to death for consensual same-sex conduct.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement is restricted, particularly for women and perceived opponents of the regime. Many journalists and activists have been prevented from leaving the country. Women are banned from certain public places and can generally obtain a passport to travel abroad only with the permission of their fathers or husbands.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Iranians have the legal right to own property and establish private businesses. However, powerful institutions like the IRGC play a dominant role in the economy, limiting fair competition and opportunities for entrepreneurs, and bribery is said to be widespread in the business environment, including for registration and obtaining licenses. Women are denied equal rights in inheritance matters.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Social freedoms are restricted in Iran. All residents, but particularly women, are subject to obligatory rules on dress and personal appearance, and those who are deemed to have violated the rules face state harassment, fines, and arrest.

Police conduct raids on private gatherings that breach rules against alcohol consumption and the mixing of unrelated men and women. Those attending can be detained and fined or sentenced to corporal punishment in the form of lashes.

Women do not enjoy equal rights in divorce and child custody disputes. In 2019, the Guardian Council approved a legal amendment that would enable Iranian women married to foreign men to request Iranian citizenship for their children. The first identification cards for such children were issued in July 2021.

Iranians can receive an abortion within the first four months of a pregnancy if three doctors decide the mother's life is at risk or if the fetus shows signs of severe disability. However, in November 2021, the Guardian Council ratified the Youthful Population and Protection of the Family Law; under the law, individuals seeking abortions will also require the approval of a committee that includes judicial representatives, Islamic jurists, doctors, and legislators. The law, which also bans the distribution of free contraceptives, can be used on an "experimental" basis for seven years.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The government provides no protection to women and children forced into sex trafficking, and both Iranians and migrant workers from countries like Afghanistan are subject to forced labor and debt bondage. The IRGC has allegedly used coercive tactics to recruit thousands of Afghan migrants living in Iran to fight in Syria. HRW has reported that children as young as 14 are among those recruited.

The population faces widespread economic hardship driven by a combination of US-led trade sanctions and mismanagement by the regime. The crisis has resulted in the rapid devaluation of the national currency and soaring prices for many basic goods. Some Iranian officials have blamed the country's poor handling of the COVID-19 pandemic on the effects of the sanctions. The Office of the UN High Commissioner for Human Rights (OHCHR) and the Secretary-General's office expressed concern over the sanctions' effects on living conditions in a May 2021 report. The United States did not make significant changes to its sanctions policy in 2021, however.

Iraq

Population: 40,100,000

Capital: Baghdad

Freedom Status: Not Free

Electoral Democracy: No

Overview: Iraq holds regular, competitive elections, and the country's various partisan, religious, and ethnic groups generally enjoy representation in the political system. However, democratic governance is impeded in practice by corruption, militias operating outside the bounds of the law, and the weakness of formal institutions. In the Kurdistan region, democratic institutions lack the strength to contain the influence of long-standing power brokers. Increasingly, Iran has been able to influence politics in Baghdad. Civil liberties are generally

respected in Iraqi law, but in practice the state has limited capacity to prevent and punish violations, and authorities routinely infringe upon the rights of residents.

KEY DEVELOPMENTS IN 2021

- Results for the October parliamentary elections, which observer missions deemed credible, were certified in November and upheld by the Supreme Court in December. Parties that largely represent Iran-backed militias challenged the results legally, but also attempted to storm government offices so as to force a recount. The Sairoon alliance, led by Shiite cleric Moqtada al-Sadr, won 73 seats, up from 54 in the last election, while the Fatah alliance, which generally represents the Iran-backed militias, won only 17 seats, down from 48.
- In November, Iran-backed militias launched a drone strike against the home of Prime Minister Mustafa al-Kadhimi in Baghdad's Green Zone, wounding him. Iraqi authorities appear to know the identity of the perpetrators but have neither revealed nor apprehended those responsible.
- Throughout the year, Iran-backed militias continued to assassinate, kidnap, and assault activists, journalists, and lawyers affiliated with the Tishreen protest movement that began in 2019. In March, Jaseb Hattab al-Heliji, a popular poet and the father of human rights lawyer Ali al-Heliji who was kidnapped in October 2019, was assassinated.
- In February, a court in Erbil sentenced three journalists and two activists to six years in prison for criticizing Kurdish authorities on social media. The detainees were denied access to lawyers until minutes before the trial, and the internal security force loyal to the ruling party in Kurdistan refused to provide the lawyers with the detainees' files to prepare their defense.

POLITICAL RIGHTS: 16 / 40

A. ELECTORAL PROCESS: 8 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

After national elections, the Council of Representatives (CoR) chooses the largely ceremonial president, who in turn appoints a prime minister nominated by the largest bloc in the parliament. The prime minister, who holds most executive power and forms the government, serves up to two four-year terms. In 2018, the CoR chose Kurdish politician Barham Salih as president and, in 2020, the parliament and foreign backers agreed to name Mustafa al-Kadhimi as prime minister. By the end of 2021, no new president or prime minister had been appointed after the October parliamentary elections. In November, Iran-backed militias launched a drone strike against the home of Prime Minister Mustafa al-Kadhimi in Baghdad's Green Zone, wounding him. Iraqi authorities appear to know the identity of the perpetrators but have neither revealed nor apprehended those responsible.

The Kurdistan Regional Government (KRG), composed of Iraq's northernmost provinces, is ostensibly led by a president with extensive executive powers. The draft Kurdish constitution requires presidential elections every four years and limits presidents to two terms. However, after eight years as president, Masoud Barzani of the Kurdistan Democratic Party (KDP) had his term extended in a 2013 political agreement with another party, the Patriotic Union of Kurdistan (PUK). After Barzani stepped down in 2017, the presidency remained vacant, and executive power was held by Prime Minister Nechirvan Barzani, his nephew. In 2019, Nechirvan Barzani was elected president by the Iraqi Kurdish parliament

and sworn in a month later, after the position had been vacant for nearly two years. Masrour Barzani, Masoud Barzani's son, was appointed and sworn in as prime minister the same month. Both Barzanis, the current president and prime minister, are members of the KDP.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 329 members of the CoR are elected every four years from multimember open lists in each province. The October 2021 elections were generally viewed as credible by international observers, despite documented cases of voter and candidate intimidation, bribing of voters, prevention of journalists from covering the voting, arrests of activists calling for an election boycott, and the lowest voter turnout since the end of the Saddam Hussein regime. In early November, supporters of Iran-backed militias challenged the election results in court and attempted to storm the Green Zone complex in Baghdad, which houses governmental institutions, to force a recount. The ensuing clashes with police resulted in the death of three people.

The Sairoon alliance, led by Shiite cleric Moqtada al-Sadr, won 73 seats, up from 54 in the last election. Muhammad al-Halbousi's Taqadum Party won 37 seats, and the State of Law coalition headed by former prime minister Nouri al-Maliki took 33 seats. The two Kurdish parties, the KDP and PUK, won 31 and 18 seats, respectively. The Fatah alliance, which represents Iran-backed militias, took only 17 seats, down from 48 in the previous elections. The opposition parties Imtidad and Ishraqat Kanoon, which are associated with the Tishreen protest movement, won 9 and 5 seats, respectively, and the opposition Kurdish party, New Generation, secured nine seats. The remaining seats were divided among smaller parties and independents.

In Iraqi Kurdistan, the 111-seat Kurdish parliament is elected through closed party-list proportional representation in a single district, with members serving four-year terms. The 2018 elections, originally due in 2017, resulted in the governing KDP increasing its plurality to 45 seats. The PUK received 21 seats, the Gorran movement took 12, and several smaller parties and minority representatives accounted for the remainder. The elections were plagued by fraud allegations and other irregularities, and Gorran and other smaller parties rejected the results.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent High Electoral Commission (IHEC) is responsible for managing elections. The IHEC generally enjoys the confidence of the international community and, according to some polls, the Iraqi public.

The October 2021 elections were the first held under a new system dividing Iraq into 83 multimember electoral districts. This system is the result of December 2019 electoral reforms ostensibly passed to appease Tishreen protesters. The new electoral law was intended to facilitate entry into Parliament for independent candidates who do not have the backing of large parties.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The constitution guarantees the freedom to form and join political parties, with the exception of the pre-2003 dictatorship's Baath Party, which is banned. A 2016 law strengthened the ban, criminalizing Baathist protests and the promotion of Baathist ideas.

The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power. Individual Iraqis' freedom to run for office is also limited by a vague "good conduct" requirement in the electoral law.

In practice, Iraqis can generally form parties and operate without government interference, and parties explicitly opposing the current sectarian apportionment political system are allowed to operate. Party membership and multiparty alliances shift frequently.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Elections are competitive, but all major parties are dominated by one sectarian or ethnic group. Sectarian parties were expected to continue leading the formation of a new government following the October 2021 parliamentary elections.

However, several new more secular and nationalist parties participated in the 2021 elections, and two parties linked to the 2019 Tishreen protest movement won 14 seats, even as its candidates and activists faced threats. The Kurdish opposition party, the New Generation movement, also won nine seats. Despite its military force and loyal personnel, the Fatah alliance lost significant representation, demonstrating the ability of Iraqi voters to affect Parliament's makeup, even if they cannot shift the balance of armed power in the country.

In 2021, KRG authorities continued their repression of the activities of the New Generation party and its affiliated media outlet, Nalia Radio and Television (NRT), owned by party leader Shaswar Abdulwahid. In 2019, security forces detained over 80 party members, allegedly for defamation and insulting a state employee. In August and December 2020, authorities unlawfully shut and raided four NRT offices and suspended the outlet's broadcasting license. In May 2021, KDP-affiliated police in Erbil requested that the Sulaimaniya police arrest Abdulwahid, but he has remained out of prison.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Iraq's political system remains distorted by interference from foreign powers, most notably Iran; Iranian authorities physically and politically threaten or buy the support of Iraqi policymakers who challenge Iranian interests. The Fatah alliance, which represents Iran-backed militias that do not follow the official command structure of Iraq's armed forces, has a persistent, albeit diminished presence in the parliament. However, the violent efforts of these militias to undermine the 2021 elections failed, as did their assassination attempt against Prime Minister al-Kadhimi.

In 2021, the Islamic State (IS) did not suppress or affect normal political activity, as they have done in previous years.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Despite legal and constitutional measures designed to protect the political rights of various religious and ethnic groups, the dominant role of ethno-sectarian parties and the allocation of key offices according to informal religious or ethnic criteria reduce the likelihood that politicians will act in the interests of the whole population.

Sunni Arabs, the largest ethno-sectarian minority, are represented in the parliament but often argue that the Shiite majority excludes them from positions of real influence. The presidency and premiership are reserved in practice for a Kurd and a Shiite; the position of parliament speaker goes to a Sunni.

A system of reserved seats ensures a minimum representation in the CoR for some of Iraq's smaller religious and ethnic minorities. There are five seats reserved for Christians and one each for Fayli Kurds (added in 2018), Yazidis, Sabean Mandaean, and Shabaks. The Kurdish parliament reserves five seats for Turkmen, five for Christians, and one for Armenians. The political rights of minority groups have been severely impeded by widespread displacement from formerly IS-occupied areas.

The CoR and the Kurdish parliament reserve 25 percent and 30 percent of their seats for women, respectively, though such formal representation has had little obvious effect on state policies toward women, who are typically excluded from political debates and leadership positions. LGBT+ people are unable to enjoy equal political rights in practice due to harsh societal discrimination, and the main political parties do not advocate for the interests of LGBT+ people in their platforms.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Several factors—including low institutional capacity, widespread corruption, and extensive Iranian influence—have hindered the ability of elected officials to independently set and implement laws and policies. Iran-backed militias, incorporated under the Popular Mobilization Forces (PMF), are officially part of Iraqi state institutions but in practice set their own policies. They planned the assassination attempt of Prime Minister al-Kadhimi in November 2021, repressed political protests, kidnapped and assassinated activists, and attacked US targets in Iraq. Their actions gravely undermine the government's ability to set and implement its own domestic and foreign agendas. The United States and its allies also exert some policy influence through their support for Iraqi Security Forces and other state institutions. Iraq's fragmented politics can lead to gridlock and dysfunction.

In the Kurdistan region, new representatives to the KRG were elected in 2018 and approved a new government in 2019, after a multi-year suspension of Parliament. Although representatives in the KRG have jurisdiction over the entire Kurdistan region, in practice, the region is split between the Erbil and Dohuk governorates, under KDP control, and Sulaimaniya, controlled by the PUK. Each region has its own politically affiliated internal security (Asayish) and military forces (Peshmerga).

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption remains a major problem in Iraq and was a key contributor to the Tishreen protest movement that erupted in 2019. Political parties siphon funds from the ministries they control, take kickbacks for government contracts, and resist anticorruption efforts. Prime Minister al-Kadhimi claimed in May 2021 that over \$150 billion of public funds had been lost to corruption since 2003. The judicial system, itself hampered by politicization and corruption, acts on only a fraction of the cases investigated by the Integrity Commission, one of three anticorruption bodies. The KRG suffers from similar corruption problems. Under both the federal government and the KRG, whistleblowers, investigators, journalists, and private individuals raising corruption concerns have faced arrests, charges of defamation, violence, and intimidation.

C3. Does the government operate with openness and transparency? 1 / 4

The government does not operate with transparency, despite a few official policies promoting openness, including an asset disclosure requirement. The CoR debates the budget, and interest groups are often able to access draft legislation. Government spending, in both

Baghdad and the KRG, is not transparent. The PMF's large budget is particularly opaque. The number of fighters drawing salaries is unknown and likely significantly larger than the actual number of active soldiers. The public procurement system is not transparent and corrupt, with no legal recourse available for unsuccessful bidders. The oil and gas industry also lacks transparency, and the government has failed to make adequate progress in meeting its commitments to the Extractive Industries Transparency Initiative. There is no comprehensive law on public access to information.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

IS's loss of territorial control in 2017 largely halted its campaign to alter religious demography. However, over a million Iraqis who were displaced by IS remain unable to return to their homes, for both security and economic reasons. Kurdish authorities encouraged local and substate forces to prevent Arab families displaced by the IS conflict from returning to villages near the Syria-Iraq border and in disputed areas under de facto KRG control, in an apparent attempt to change the region's demography. Displaced families with perceived links to IS who continue to reside in and outside of camps are particularly vulnerable to assault and sexual abuse. Many cannot return to their homes because their original communities reject their return or Iraqi authorities prohibit it. As of December 2021, approximately 4.8 million Iraqis displaced by the 2014 IS offensive had returned to their home regions, while almost 1.2 million people remained internally displaced.

CIVIL LIBERTIES: 13 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 1 / 4

Iraq's media environment appears lively and diverse, but there are few politically independent news sources. In recent years, social media, which was once dominated by alternative and independent voices, has been utilized by progovernment forces, and particularly, Iran-backed militias, to spread incitement, fake news, and explicit threats against activists. Journalists who do not self-censor can also face legal repercussions. Media outlets face restrictions and obstruction in response to their coverage.

The constitution allows limits on free expression to preserve "public order" and "morality." Iraqi government authorities have arrested journalists for conducting their work, at times charging them with defamation and insulting public institutions. In July 2021, the Iraqi Security Forces raided the Al-Baghdadiya TV office in Baghdad, suspended the channel's broadcast, arrested the news director and a news anchor, and confiscated equipment. No charges were presented to the detainees, who were released after one day.

Militias frequently shoot, kidnap, torture, and assassinate journalists for their work. Ahmed Hassan, a journalist working for Al-Forat TV in al-Diwaniya, survived an assassination attempt by masked gunmen in May 2021. Journalists Abbas al-Rifi'i and Ali al-Mikdam were kidnapped, tortured, threatened, and then released by militiamen in May and July 2021, respectively.

In Iraqi Kurdistan, authorities intensified their persecution of journalists who reported on government mismanagement, corruption, and antiregime protests in the region in 2021. The Metro Center for Defending the Rights of Journalists claimed that, by April, they had recorded 49 violations against 36 journalists in the region, including physical attacks against journalists covering antiregime protests. Authorities routinely illegally arrest and detain

journalists, prevent them from speaking to a lawyer, and convict them on spurious charges without a legitimate trial. In February 2021, a court in KDP-controlled Erbil sentenced three journalists and two activists to six years in prison for criticizing authorities on social media. KRG Prime Minister Barzani (a KDP leader) claimed without evidence in a news conference that the detainees were not journalists but spies, which may have influenced the judge's decision to convict them of "destabilizing the security" in the region.

While the KDP engaged in the most egregious violations of press freedom in 2021, their rival party, the PUK, also persecuted journalists in regions they control. Despite their rivalry, the PUK arrested Hemin Baqer, a journalist who published about KDP corruption, after he fled Erbil to Sulaimaniya. The internal security service loyal to the PUK also arrested a journalist working for the Kurdistan Workers' Union (PKK)-affiliated Firat News Agency while covering an anti-Turkish protest in Sulaimaniya.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees freedom of belief, but in practice many Iraqis experience violence and displacement due to their religious identity. Places of worship have often been targets for terrorist attacks. Blasphemy laws remain in the legal code, although enforcement is rare. A 2015 religious conversion law automatically designates the children of a parent who has converted to Islam as Muslim, even if the other parent is a non-Muslim. Most political leaders expressed support for religious pluralism after IS's defeat, and minority religious groups living in liberated areas have largely been able to practice their religion freely since.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Educators have long faced the threat of violence or other repercussions for teaching subjects or discussing topics that powerful state or nonstate actors find objectionable. The country's official curriculum is often augmented in the classroom by religious or sectarian viewpoints. Political activism by university students can result in harassment or intimidation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Social media posts on controversial topics sometimes result in retribution. Certain topics, including corruption and, to a somewhat lesser extent, criticism of Iran, are considered to be off limits and at times prompt arrest, docking of salaries, torture, and criminal lawsuits. Social media users and bloggers have faced defamation suits for criticizing corruption and misgovernance. Authorities have nonconsensually released video footage of detainees to humiliate and intimidate them.

Activists describe a climate of fear that has led them to self-censor what they post on social media or say in discussions on the mobile phone app, Clubhouse. Over 30 private citizens involved in the 2019 Tishreen protest movement, including at least one minor, were abducted between 2019 to 2021; their whereabouts remain unknown as of December 2021. Many vocal activists have fled the country or relocated to the Kurdistan region, fearing for their lives. Political speech in the Kurdistan region against local authorities can also prompt arbitrary detentions or other reprisals from government forces affiliated with the two ruling parties.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12**E1. Is there freedom of assembly? 0 / 4**

The constitution guarantees freedom of assembly, but protesters are frequently at risk of violence or arrest. These dangers have become acute during the ongoing Tishreen protest movement against corruption, poor infrastructure and government services, and high unemployment that began in October 2019. Security forces have used curfews, tear gas, and live ammunition to suppress demonstrations in Baghdad and other southern cities. By mid-December 2021, hundreds of people had been killed due to protest activities; of them, dozens were killed in targeted assassinations outside of protest squares. Iraqi Security Forces routinely shot at, arrested, and tortured protesters. While the majority of those arrested are released after a few days due to public pressure, some have been sentenced to years in prison.

Iraqi officials and journalists reported that snipers under the command of Iran-backed militia units use live ammunition to shoot at protesters from rooftops and carry out a wave of assaults and assassinations against protest organizers and activists. Militiamen routinely kidnap activists, torture them for several days, and then release them, so as to coerce them to cease their antiregime activity. Iranian media and media outlets linked to Iran-backed militias spread false reports about activists to justify their targeting and issued explicit threats to activists and critics set to be targeted next.

In 2021, the number of protests in the Kurdistan region dropped significantly, which local activists claim was the result of security forces' use of unprecedented levels of violence against protesters in 2020. In 2021, Kurdish authorities linked both to the KDP and the PUK continued to attack and arrest peaceful protesters and journalists covering the protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) enjoy societal support and a relatively hospitable regulatory environment, though they must register with the government and obtain approval from the commission responsible for suppressing Baathism. For international NGOs, registration is cumbersome and often requires payment of bribes. In Kurdistan, NGOs must renew their registration annually.

Iran-backed militias have threatened, assaulted, kidnapped, tortured, raped in captivity, assassinated, and planted explosive devices at the homes of multiple critics and activists (and their family members) involved in the Tishreen protest movement. In March 2021, Jaseb Hattab al-Heliji, a popular poet and the father of human rights lawyer Ali al-Heliji, was assassinated. Ali himself was kidnapped in October 2019 and has not been heard from since. In July, gunmen assassinated Ali Karim, the son of prominent human rights defender Fatima al-Bahadli, who is the founder of the Al-Firdaws Association, which advocates for the protection of women and girls in Basra.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Labor laws allow for collective bargaining (even by nonunionized workers), protect the rights of subcontractors and migrant workers, and permit workers to strike, among other rights. However, public sector workers are not allowed to unionize, there is no legal prohibition against antiunion discrimination, and workers do not have access to legal remedies if fired for union activity. Some state officials and private employers discourage union activity with threats, demotions, and other deterrents.

F. RULE OF LAW: 1 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary is influenced by corruption, political pressure, violent intimidation, tribal forces, and religious interests. The lines between the executive, legislative, and judicial branches are frequently blurred, and executive interference in the judiciary is widespread. Due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Criminal proceedings in Iraq are deeply flawed. Arbitrary arrests, including arrests without a warrant, are common. Detainees are frequently denied access to lawyers, who when available are often prevented access to crucial public documents.

The three journalists and two activists who were sentenced in February 2021 by an Erbil court to six years in prison for criticizing authorities on social media were denied access to lawyers until minutes before the trial. The internal security force loyal to the ruling party in KDP-controlled Erbil refused to provide the lawyers with the detainees' files to prepare their clients' defense.

Terrorism cases have been prone to fundamental violations of due process, with human rights groups describing systematic denial of access to counsel and short, summary trials with little evidence that the defendants, who are often allegedly associated with IS, have committed specific crimes. In 2018, some trials of suspected IS members that resulted in death sentences lasted as little as 20 minutes, and hundreds of family members of suspected IS fighters have been arbitrarily detained.

Several senior military commanders were removed from their posts in October 2019 following a violent crackdown on Tishreen movement protesters. Their removals were rejected by many Iraqis as inadequate and proved an ineffective deterrent on members of security forces, who since then have continued to fatally wound demonstrators at protests.

Prime Minister al-Kadhimi has repeatedly promised to investigate and prosecute members of Iran-backed militias responsible for a wave of assassinations, assassination attempts, and kidnappings of activists across southern Iraq. While some suspects were arrested in 2021, the political and militia leaders who ordered the killings were not held responsible. Several named suspects are protected by political parties, and the overwhelming majority of cases remain unsolved. Protesters demanding accountability have themselves been killed, kidnapped, arrested, and threatened. Efforts to locate victims of kidnappings have not successfully obtained the release of those who have disappeared.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The end of large-scale combat with IS significantly improved the security environment in Iraq. Though the organization remained active as a clandestine terrorist group in 2020, it no longer controlled Iraqi territory or civilian populations, and its ability to operate was diminished. Throughout 2021, IS waged an insurgency in rural areas of western and northern Iraq, targeting both civilians and military personnel. The insurgency and the collective punishment policies adopted by the Iraqi Security Forces in response have threatened the physical safety of residents.

Militias have recaptured large swaths of Iraqi territory from IS, but they have also engaged in war crimes such as pillaging, forcible displacement of Sunnis, kidnappings, and torture. Over 600 Sunni men and boys who were kidnapped by the PMF during the recapture of western provinces of Iraq in 2016 have not been heard from since.

Tensions between Iran and the United States continued to play out on Iraqi soil in 2021, as Iran-backed militias used small-scale rockets and improvised explosive devices (IEDs) toward American forces and personnel, endangering Iraqi residents.

Starting in 2020, Turkish military forces launched operations into Kurdish territory to combat the Kurdistan Workers' Union (PKK) guerilla group. The operation resulted in civilian casualties and mass displacement from the Turkey-Kurdistan border region.

The use of torture to obtain confessions is widespread, including in death penalty cases. Detainees are often held in harsh, overcrowded conditions, and forced disappearances, particularly of suspected IS fighters, have been reported.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women face widespread societal bias and discriminatory legal treatment under the law. Sexual harassment in the workplace is prohibited, but victims rarely pursue formal complaints.

Members of a given ethnic or religious group tend to suffer discrimination or persecution in areas where they represent a minority, leading many to seek safety in other neighborhoods or provinces. Same-sex relations are not explicitly prohibited, but LGBT+ people risk violence if they are open about their identity. People of African descent suffer from high rates of extreme poverty and discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement has improved somewhat as areas formerly controlled by IS were brought back under government control. However, large-scale destruction of housing and infrastructure, the presence of sectarian or partisan militias, and the ongoing threat of violence has made it difficult for many displaced people to return home. The renewed IS insurgency and the Iraqi Security Forces' corresponding response in 2021 has constrained the freedom of movement of residents in rural western and northern Iraq.

The KRG also continues to prevent Arab families from returning to villages on the border with Syria, from which they fled during fighting between the Peshmerga and IS in 2014.

The movement of women is limited by legal restrictions. Women require the consent of a male guardian to obtain a passport and the Civil Status Identification Document, which is needed to access employment, education, and many social services.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Iraqis are legally free to own property and establish businesses, but observance of property rights has been limited by corruption and conflict. Families perceived to be affiliated with IS living in displacement are particularly vulnerable to confiscation or takeover of their property. Business owners face demands for bribes, threats, and violent attempts to seize their enterprises. In Iraqi Kurdistan, where there is a construction boom, this has sometimes come at the expense of local landowners and farmers whose fields are confiscated without notice or compensation. Contracts are difficult to enforce. Women are legally disadvantaged with respect to inheritance rights and may face pressure to yield their rights to male relatives.

The renewed IS insurgency and the collective punishment policies adopted by the Iraqi Security Forces has caused material damage to the property of civilians in rural western and northern Iraq.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Forced and early marriages are common, especially in the context of displacement and poverty. Over one in four Iraqi women aged 20 to 24 were married by age 18, and marriage for those aged 15 is legal with parental approval. Laws on marriage and divorce favor men over women. In 2020, Iraq witnessed a spike in domestic violence cases. Renewed efforts by Iraqi women's rights organizations to compel Parliament to pass a law banning gender-based violence have been unsuccessful. Rapists can avoid prosecution if they marry their victims; spousal rape is not prohibited. The law also allows reduced sentences for those convicted of so-called honor killings, which are seldom punished in practice. Both men and women face pressure to conform to conservative standards on personal appearance.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

As of 2021, over 2,700 Yazidi women and children who had been kidnapped by IS during the 2014 genocide of the Yazidi community remain missing. Many of them were likely forced into sexual slavery or forced labor. Exploitation of children, including through forced begging and the recruitment of child soldiers by militias, is an ongoing problem. Foreign migrant workers frequently work long hours for low pay and are vulnerable to forced labor. According to the US State Department's 2021 *Trafficking in Persons* report, the Iraqi government and the KRG have stepped up enforcement efforts to prevent human trafficking, but it continues unabated—at times with the protection of corrupt officials—and internally displaced persons are particularly vulnerable.

Ireland

Population: 5,000,000

Capital: Dublin

Freedom Status: Free

Electoral Democracy: Yes

Overview: Ireland is a stable democracy in which political rights and civil liberties are respected and defended. There is some limited societal discrimination, especially against the traditionally nomadic Irish Travellers. Corruption scandals have plagued the police force, and domestic violence remains a problem.

KEY DEVELOPMENTS IN 2021

- In a January report, the Commission of Investigation into Mother and Baby Homes noted “appalling level[s] of infant mortality” and discrimination against the residents of institutions which were managed by the state and by Catholic priests and nuns. A redress scheme for survivors was announced in November, though a large number of survivors were excluded.
 - In July, former minister Katherine Zappone was appointed as special envoy on the freedom of expression to the United Nations, in a manner considered non-transparent by opposition parties. Zappone declined the post in August, while Foreign Minister Simon Coveney apologized for the manner in which the appointment was made.
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POLITICAL RIGHTS: 39 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The Taoiseach, or prime minister, is nominated by the House of Representatives (Dáil Éireann) and formally appointed by the president. Thus, the legitimacy of the prime minister is largely dependent on the conduct of Dáil elections, which historically have been free and fair. The Dáil elected Micheál Martin as Taoiseach in June 2020 following a general election in February, to lead the coalition government between Fianna Fáil, Fine Gael, and the Green Party.

The president is elected to up to two seven-year terms, and as chief of state has mostly ceremonial duties. Michael D. Higgins was reelected in 2018. Voting in presidential elections has historically been free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Dáil's 160 members are elected in multimember districts through a proportional representation system, and their terms last five years. The Senate (Seanad Éireann) contains 60 seats; 43 members are indirectly chosen through an electoral college, while 11 are selected by the Taoiseach and 6 are selected from constituencies that represent some higher education institutions.

The February 2020 Dáil election saw no major irregularities or unequal campaigning. Sinn Féin won 37 seats (24.5 percent), its best result ever and only one less than Fianna Fáil's 38 seats (22.2 percent). Fine Gael won 35 seats (20.9 percent), and the Green Party 12 (7.1 percent).

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Ireland's electoral framework is strong and government bodies hold credible polls. In January 2021, the government released details of the Electoral Reform Bill 2020, which would establish an independent Electoral Commission. The bill remained under consideration at year's end.

Ireland frequently holds referendums, especially on European Union (EU) treaties.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties in Ireland are free to form and compete. Among the main parties, Fianna Fáil and Fine Gael do not differ widely in ideology, despite their long history as rivals; they represent the successors of opposing sides in the nation's 1922–23 civil war. Other key parties include Sinn Féin—a left-wing republican party that leads the opposition—the Labour Party, and the Green Party.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties generally do not encounter restrictions or harassment that affects their ability to gain power through elections, and most of the main parties have been part of government at some point in the history of the state.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by the military, foreign powers, religious hierarchies, and other powerful groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women are underrepresented, holding 23.1 percent of the Dáil's seats. Women are visible in electoral politics however, with Sinn Féin and the Social Democrats both having female leaders.

While ethnic minority and marginalized groups are generally free to participate in politics, Irish Travellers and Roma have little representation. Travellers were formally recognized as an Indigenous ethnic group in 2017, the same year a 2017–21 inclusion strategy was launched. In March 2021, Traveller representatives called on the government to renew its commitment, saying that many of the strategy's stated goals were not achieved.

C. FUNCTIONING OF GOVERNMENT: 11 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials freely determine government policy. The government introduced legislation to combat the coronavirus pandemic and gave emergency powers to ministries and the police in 2020. Pandemic-related legislation remained in force in 2021.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Ireland has a recent history of problems with political corruption but has introduced anticorruption legislation in recent years. The Criminal Justice (Corruption Offences) Act 2018 modernized and consolidated existing anticorruption laws, though critics claimed that the legislation did not adequately address bribery.

Scandals involving Ireland's police (An Garda Síochána) have raised concerns about a lack of safeguards against corruption in that sector. In April 2021, four officers were charged with corruption-related offenses.

A multiagency review group examining anticorruption and antifraud structures was established after the government completed a 2017 study of white-collar crime. In April 2021, the Justice Department published an implementation plan based on the group's recommendations, which included the establishment of an anticorruption advisory council. The Justice Department announced the appointment process for the council's chairperson in September.

C3. Does the government operate with openness and transparency? 4 / 4

The public has broad access to official information under the 2014 Freedom of Information (FOI) Act, though partial exemptions remain for the police and some other agencies. A Transparency Code requires open records on the groups and individuals that advise public officials on policy. The government announced a comprehensive review of FOI legislation in June 2021, which is expected to be completed by 2022.

The July 2021 appointment of former minister Katherine Zappone as a special envoy on freedom of expression to the United Nations was considered nontransparent by opposition parties. Zappone declined the post in August, while Foreign Minister Coveney apologized for the manner in which he appointed her.

The government has been criticized for failing to consult meaningfully with civil society groups and relevant stakeholders in policy formulation, particularly regarding the Roma, Travellers, and people living with disabilities.

CIVIL LIBERTIES: 58 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Irish media are free and independent, and present a variety of viewpoints. However, the media sector is highly concentrated, with Independent News and Media controlling much of the newspaper market.

Ireland's restrictive defamation laws have received criticism, including from the European Commission. The government has vowed to publish a report on potential reform which was still forthcoming at the end of 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally guaranteed. Although religious oaths are still required from senior public officials, there is no state religion, and adherents of other faiths face few impediments to religious expression. In recent years, the Roman Catholic Church has notably declined in the public eye, following a series of sexual abuse and other scandals involving the Church and its clergy.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected. The Roman Catholic Church operates approximately 90 percent of Ireland's schools, most of which include religious education from which parents may exempt their children. The constitution requires equal funding for schools run by different denominations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant impediments to open and free private discussion, including in personal online communications. However, Ireland's national identity card, the Public Services Card (PSC), has elicited controversy due to data storage and privacy concerns. The data protection commissioner (DPC) launched an investigation into some aspects of the PSC system in August 2021.

Activists and volunteers from Fianna Fáil, Fine Gael, and Sinn Féin were revealed to have acquired information from voters by posing as polling-company employees in recent years. In June 2021, the DPC called on political parties to disclose such behavior.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The right to assemble freely is respected, and peaceful demonstrations are held each year. However, COVID-19-related legislation continued to place restrictions on freedom of assembly in 2021. Arrests for violating lockdown regulations occurred at multiple protests. In March, the Irish Council for Civil Liberties (ICCL) criticized the government over its pandemic restrictions, calling its policy a "blanket ban."

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Freedom of association is upheld, and nongovernmental organizations (NGOs) can operate freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Labor unions operate without hindrance, and collective bargaining is legal and unrestricted. Police were criticized for dispersing an April 2021 protest by workers of a shuttered department store in Dublin.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

Ireland has a generally independent judiciary and a legal system based on common law. The Judicial Council, a body which promotes judicial excellence, good conduct, and judicial independence, began operating in 2020.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process generally prevails in civil and criminal matters. However, the police force has been affected by repeated corruption scandals in recent years. A new police commissioner, Drew Harris, was appointed in 2018; his predecessor resigned in 2017 after questions about her approach toward whistleblowers stoked controversy. Harris remained in his post in 2021.

The police have received a range of additional powers to enforce COVID-19 restrictions. In its June report, the ICCL called for those powers to be rescinded, calling them ineffective.

A Special Criminal Court (SCC) has functioned since 1972 to hear cases related to paramilitary violence committed during the Troubles, a period of sectarian conflict in Northern Ireland. The ICCL has called for the SCC's abolition, noting that it does not employ a jury and can consider secret evidence. A final report from an inquiry on the SCC is due in 2022.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Irish prisons and detention facilities are frequently dangerous, unsanitary, overcrowded, and ill-equipped for prisoners with mental illness. In June 2021, the Inspector of Prisons reported that COVID-19 measures disproportionately impacted inmates, resulting in isolation and limiting their access to basic amenities.

A series of official inquiries in recent years have detailed decades of past physical, sexual, and emotional abuse—including forced labor—against women and children in state institutions and by Catholic priests and nuns from the early 20th century until 1996, as well as collusion to hide the abuse. The Commission of Investigation into Mother and Baby Homes reported “appalling level[s] of infant mortality” and discrimination against residents when it published its final report in January 2021. Taoiseach Martin offered an official apology that month. An €800-million (\$950-million) redress scheme for survivors was announced in November, but 24,000 survivors who spent less than six months in homes or were “boarded out” were excluded.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The Irish Network against Racism (INAR) counted 700 instances of racism in 2020, up from 530 in 2019. INAR noted that hate-speech reports nearly doubled between 2019 and 2020.

While existing legislation bans hate speech, Ireland lacks comprehensive hate-crime laws, and NGOs have criticized existing laws as dated and ineffective. The government proposed much-anticipated legislation in April 2021, which it intends to enact in 2022.

Supranational bodies have criticized ethnic discrimination within Ireland. In 2020, the EU Agency for Fundamental Rights reported that two-thirds of Irish Travellers and Roma face discrimination. The Council of Europe (CoE) called a 2017–21 inclusion strategy for both groups ineffective in a 2019 report. In August 2021, the Irish Traveller Movement reported on an ongoing housing crisis to the CoE.

People with disabilities face housing issues, are persistently institutionalized, and have suffered a severe reduction of social benefits in recent years. Advocacy groups criticized the government for operating disability services at reduced capacity during the COVID-19 pandemic. In July 2021, the Health Department published the results of a consultation that identified the need for substantially more investment.

Irish law prohibits discrimination based on sexual orientation, but some social stigma against LGBT+ people persists.

The asylum application process is complex, and asylum seekers can be housed for lengthy periods in poor living conditions in a system known as Direct Provision. In February 2021, the government published a white paper on replacing Direct Provision with a new model by the end of 2024.

The 2015 International Protection Law expedites asylum procedures but focuses on enabling deportations rather than identifying and processing cases. In a July 2021 report, the Irish Refugee Council highlighted extensive delays for protection-process applicants.

Discrimination in the workplace on the basis of gender is illegal, though there is still a substantial gender pay gap.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are ordinarily no restrictions on travel or the ability to change one's place of residence, employment, or education. Many COVID-19-related restrictions were gradually eased during 2021, though that process was delayed due to the spread of the Omicron variant.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Private businesses are free to operate, and property rights are generally respected.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Individuals in Ireland have gained expanded social freedoms in recent years. In a 2015 referendum, voters extended marriage rights to same-sex couples. That same year, the Children and Family Relationships Act extended adoption rights to same-sex and cohabiting couples, and the Gender Recognition Act allowed transgender individuals to obtain legal recognition without medical or state intervention, and—for married transgender people—without divorcing. In a 2018 referendum, voters abolished a constitutional amendment that made nearly all abortions illegal, and health providers began performing abortions in 2019.

In 2019, Ireland enacted the Domestic Violence Act 2018, which criminalized forms of emotional and psychological abuse. However, domestic and sexual violence against women remain serious problems, and marginalized and immigrant women have particular difficulty accessing support. The police's handling of emergency calls from victims of domestic abuse prompted an inquiry that was active in 2021. In June, Police Commissioner Harris apologized over the cancelling of calls related to domestic abuse.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

People generally enjoy equality of opportunity. Workers have rights and protections under employment legislation. Although the government works to combat human trafficking and protect victims, undocumented migrant workers remain at risk of trafficking and labor exploitation. In 2021, reports persisted around unsafe working conditions in Ireland's meat processing plants.

Israel

Population: 9,400,000

Capital: Jerusalem

Freedom Status: Free

Electoral Democracy: Yes

Note: The numerical scores and status listed above do not reflect conditions in the Gaza Strip or the West Bank, which are examined in separate reports. Although the international community generally considers East Jerusalem to be part of the occupied West Bank, it may be mentioned in this report when specific conditions there directly affect or overlap with conditions in Israel proper. Prior to its 2011 edition, *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Israel is a parliamentary democracy with a multiparty system and independent institutions that guarantee political rights and civil liberties for most of the population. Although the judiciary is comparatively active in protecting minority rights, the political leadership and many in society have discriminated against Arab and other ethnic or religious minority populations, resulting in systemic disparities in areas including infrastructure, criminal justice, education, and economic opportunity.

KEY DEVELOPMENTS IN 2021

- Parliamentary elections were held in March, after three previous elections since 2019 had failed to produce a stable governing majority. An alliance of parties from across the political spectrum formed a new government in June, with an Arab Islamist party—Ra'am—joining the coalition but not the cabinet. The right-leaning Likud party of outgoing prime minister Benjamin Netanyahu became the largest force in the opposition.
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- In May, an outbreak of protests and violence related to a potential eviction of Palestinian residents in East Jerusalem escalated into broader intercommunal clashes in Israeli cities and towns with mixed Jewish and Arab populations, as well as rocket attacks from Palestinian militant groups in the Gaza Strip and retaliatory air strikes by the Israeli military.
- Opening arguments in Netanyahu's corruption trial were held in April, and witness testimony continued through the end of the year.

POLITICAL RIGHTS: 34 / 40 (+1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A largely ceremonial president is elected by the Knesset (parliament) for one seven-year term. In June 2021, Isaac Herzog, formerly the head of the Labor Party, was elected to replace outgoing president Reuven Rivlin, receiving 87 out of 120 votes.

The prime minister must have the support of a majority in the Knesset. In 2014, in a bid to create more stable governing coalitions, the electoral threshold for parties to win representation was raised from 2 percent to 3.25 percent, and the no-confidence procedure was revised so that opponents hoping to oust a sitting government must simultaneously vote in a new one. Despite this change, there are still many small parties in the political system, making it difficult to form majorities.

After the March 2021 elections, parties from across the political spectrum formed a new coalition government, ending the premiership of Likud's Benjamin Netanyahu, who had been in office since 2009. According to the coalition agreement, Naftali Bennett of the right-wing Yamina Party would serve as prime minister for about two years, after which Yair Lapid of the centrist Yesh Atid party would replace him until the next elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 120-seat Knesset are elected to serve four-year terms through closed-list proportional representation using a single nationwide district, and elections are typically free and fair.

In the March 2021 elections, Likud won 30 seats, followed by Yesh Atid with 17. The rest of the parties captured fewer than 10 seats each: the ultra-Orthodox Shas and United Torah Judaism parties with 9 and 7, respectively; the centrist Blue and White with 8; the center-left Labor and the right-wing Yamina and Yisrael Beiteinu with 7 each; Religious Zionist, the Arab-led Joint List, the center-right New Hope, and the left-wing Meretz with 6 each; and the Arab Islamist party Ra'am with 4 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The fairness and integrity of elections are guaranteed by the Central Elections Committee (CEC), which is composed of delegations representing the various political groups in the Knesset, supported by a professional staff, and chaired by a Supreme Court judge. Elections are generally conducted in a peaceful and orderly manner, and all parties usually accept the results. Some Netanyahu allies made baseless claims of election fraud in 2021, and Netanyahu himself argued that the formation of the new coalition government amounted to fraud because it allegedly broke campaign promises and left the largest single party in

opposition. However, the conduct of the elections, even amid the ongoing COVID-19 pandemic, was generally perceived as fair and successful.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Israel hosts a diverse and competitive multiparty system. However, parties or candidates that deny Israel's Jewish character, oppose democracy, or incite racism are prohibited. These rules have occasionally been invoked against both far-right Jewish candidates and Arab candidates. The only such case to reach the Supreme Court ahead of the 2021 elections concerned an Arab candidate from the Labor Party, Ibtisam Mara'ana-Menuhin; the court voted 8–1 to uphold her candidacy in February.

Under a 2016 law, the Knesset can remove any sitting members who incite racism or support armed struggle against the state of Israel with a three-quarters majority vote; critics allege that the law is aimed at silencing Arab representatives.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Israel has undergone multiple, peaceful rotations of power among rival political groups during its history, and the 2021 elections resulted in the replacement of the long-serving incumbent prime minister. Opposition parties have typically controlled many local governments, and Arab-majority towns are often run by independents or mayors from the Joint List.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Israeli voters are generally free from coercion or undue influence by interest groups outside the political sphere. Political parties rely mostly on public subsidies for their financing. A 2017 law imposes funding restrictions on organizations that are not political parties but seek to influence elections. While it was aimed at limiting political interference by outside groups, critics of the law said its provisions could affect civil society activism surrounding elections and infringe on freedoms of association and expression. As of 2021, however, there was little evidence that the law was being actively enforced.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Political power in Israel is held disproportionately by Jewish men; while Ashkenazim (Jews of European descent) have historically enjoyed particular advantages, Mizrahim (Jews of Middle Eastern descent) have gained representation in recent decades.

Women generally enjoy full political rights in law and in practice, though they remain somewhat underrepresented in leadership positions and can encounter additional obstacles in parties and communities—both Jewish and Arab—that are associated with religious or cultural conservatism. Shas and United Torah Judaism continued to exclude women from their candidate lists in 2021, while Ra'am elected its first woman Knesset member in 2020.

In 2018, the Knesset adopted a new “basic law” known as the nation-state law, which introduced the principle that the right to exercise self-determination in the State of Israel belongs uniquely to the Jewish people, among other discriminatory provisions. The basic laws of Israel are considered equivalent to a constitution, and critics of the nation-state law

said it created a framework for the erosion of non-Jewish citizens' political and civil rights, though any such effects have been limited to date.

Arab citizens of Israel, who often identify as Palestinian, already faced some discrimination in practice, both legal and informal. Until 2021, no Arab party had ever been formally included in a governing coalition, and Arabs generally do not serve in senior positions in government. While Ra'am did join the governing coalition after the March elections, its members were not included in the cabinet. Members of other ethnic and religious minority populations, as well as LGBT+ Israelis, enjoy some representation in the Knesset and the political system more broadly.

The roughly 650,000 Jewish settlers in the West Bank and East Jerusalem are Israeli citizens and can participate in Israeli elections. Arab residents of East Jerusalem have the option of obtaining Israeli citizenship, though most decline for political reasons. While these noncitizens are entitled to vote in municipal as well as Palestinian Authority (PA) elections, most have traditionally boycotted Israeli municipal balloting, and Israel has restricted PA election activity in the city. A Palestinian Jerusalem resident who is not a citizen cannot become mayor under current Israeli law. Israeli law strips noncitizens of their Jerusalem residency if they are away for extended periods, and a law adopted in 2018 empowers the interior minister to revoke such residency for those deemed to be involved in terrorism or treason-related offenses. Citizenship and residency status are denied to Palestinian residents of the West Bank or Gaza Strip who are married to Israeli citizens.

Courts can revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy. Separately, it was reported during 2017 that the Interior Ministry had revoked the citizenship of dozens and possibly thousands of Bedouins over several years, citing decades-old registration errors. Lawmakers have since raised questions about the legality of this ongoing practice.

Jewish immigrants and their immediate families are granted Israeli citizenship and residence rights. Other immigrants must apply for these rights, and it is extremely difficult in practice for non-Jewish migrant workers and asylum seekers to obtain citizenship.

C. FUNCTIONING OF GOVERNMENT: 9 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4 (+1)

The government and parliament are free to set and implement policies and laws without undue interference from unelected entities.

In 2019, the failure of two successive elections to yield a governing majority meant that the country lacked a fully empowered government for the entire year, with the incumbents remaining in place in a caretaker capacity. The instability continued in 2020, as the government formed in the wake of elections that March collapsed after about seven months in office, necessitating the fourth round of balloting in just two years. However, the new coalition government that took office in June 2021 remained in place through the end of the year, and in November it won passage of the first budget bill since 2018.

Score Change: The score improved from 3 to 4 because the governing coalition that took power after the March elections was subsequently able to function and pass key legislation, ending a lengthy period of political instability.

C2. Are safeguards against official corruption strong and effective? 2 / 4

High-level corruption investigations are relatively frequent, with senior officials implicated in several scandals and criminal cases in recent years. In 2019, Netanyahu was

indicted on separate charges of fraud, bribery, and breach of trust; police had recommended the charges in 2018 after conducting three investigations into his alleged acceptance of expensive gifts, his apparent attempt to collude with the owner of the newspaper *Yedioth Ahronoth* to secure positive coverage, and the granting of regulatory favors to telecommunications operator and media conglomerate Bezeq in return for positive coverage. Netanyahu denied the charges against him and accused law enforcement bodies of perpetrating “an attempted coup.” He refused to step down as prime minister after the indictment and continued to hold office through the first half of 2021, after which he became leader of the opposition. He also pursued legislative approval of an immunity bill that would shield him and other lawmakers from prosecution while in office, though the measure had not passed at year’s end. Opening arguments in Netanyahu’s trial were held in April 2021, and witness testimony continued through December.

Also during 2021, prosecutors filed indictments against several people in a long-running bribery case related to the purchase of naval vessels, though no charges were filed against two high-profile suspects—Netanyahu’s former personal attorney and a former navy commander. The new government was considering the formation of a commission of inquiry to further investigate the affair.

C3. Does the government operate with openness and transparency? 3 / 4

Israel’s laws, political practices, civil society groups, and independent media generally ensure a substantial level of governmental transparency, though recent corruption cases have illustrated persistent shortcomings. The Freedom of Information Law grants every citizen and resident of Israel the right to receive information from a public authority. However, the law includes blanket exemptions that allow officials to withhold information on the armed forces, intelligence services, the Atomic Energy Agency, and the prison system, potentially enabling the concealment of abuses.

CIVIL LIBERTIES: 42 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 3 / 4

The Israeli media sector as a whole is vibrant and free to criticize government policy. While the scope of permissible reporting is generally broad, print articles on security matters are subject to a military censor. According to official statistics released in 2021, the military in 2020 partially redacted a total of 1,403 news items and fully barred publication of 116 others, out of 6,421 stories submitted for review; the figures represented a 10-year low. The Government Press Office has occasionally withheld press cards from journalists to restrict them from entering Israel, citing security considerations.

A 2017 law allows police and prosecutors to obtain court orders that require the blocking of websites found to publish criminal or offensive content. Freedom of expression advocates warned that the measure could permit the suppression of legitimate speech.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

While Israel defines itself as a Jewish state, freedom of religion is largely respected. Christian, Muslim, Druze, and Baha’i communities have jurisdiction over their own members in matters of marriage, divorce, and burial. The Orthodox establishment governs personal status matters among Jews, drawing objections from many non-Orthodox and secular Israelis. Most ultra-Orthodox Jews, or Haredim, have been excused from compulsory military service under a decades-old exemption for those engaged in full-time Torah study. The

Supreme Court, having struck down the existing exemption law as unconstitutional in 2017, has called for the Knesset to adopt new guidelines or begin enforcing normal conscription rules, repeatedly extending deadlines for it to do so. Legislation intended to reach a compromise on the issue was under consideration during 2021.

Although the law protects the religious sites of non-Jewish groups, they face discrimination in the allocation of state resources as well as persistent cases of vandalism or harassment, which usually go unsolved.

Citing security concerns, Israeli authorities have set varying limits on access to the Temple Mount/Haram al-Sharif in East Jerusalem in recent years, affecting worshippers across the broader area. In 2021, it was reported that Israeli authorities had increasingly allowed Jewish prayer at the site without openly announcing a change in policy. At the Western Wall of the compound, long a site of Jewish prayer, rival advocacy groups have been engaged in an ongoing dispute over access for women and non-Orthodox Jewish worshippers.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Primary and secondary education is universal, though divided into multiple public school systems (state, state-religious, independent religious, and Arabic) as well as private schools. School quality and resources are generally lower in mostly non-Jewish communities. A 2018 law bans groups that are in favor of legal action abroad against Israeli soldiers, or that otherwise undermine state educational goals by criticizing the military, from entering Israeli schools or interacting with students.

Israel's universities have long been centers for dissent and are open to all students, though security-related restrictions on movement limit access for West Bank and Gaza residents in practice. Any attempts to influence or restrict academic freedom at universities are generally blocked.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While private discussion in Israel is generally open and free, there are some restrictions on political expression. For example, the 2011 Boycott Law exposes Israeli individuals and groups to civil lawsuits if they advocate an economic, cultural, or academic boycott of the state of Israel or West Bank settlements.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12 (-1)

E1. Is there freedom of assembly? 2 / 4 (-1)

Protests and demonstrations are widely permitted and typically peaceful. However, some protest activities—such as desecration of the flag of Israel or a friendly country—can draw serious criminal penalties, and police have sometimes attempted to restrict peaceful demonstrations. Protest activity continued throughout 2020 despite varying pandemic-related rules on social distancing. For several weeks during the year, the authorities prohibited individuals from participating in protests more than a kilometer from their homes.

In May 2021, the possible eviction of Palestinian families in the Sheikh Jarrah neighborhood of East Jerusalem sparked widespread protests, excessive police violence, and intercommunal clashes involving Arab and Jewish civilians in mixed towns within Israel. The unrest included destruction of property and vigilante attacks against unarmed residents. More than 2,000 people were arrested; while some Jews were among those detained, the vast majority were Arabs, suggesting likely police discrimination. Police were also accused of failing to protect Arab civilians from Jewish extremists.

Score Change: The score declined from 3 to 2 because a wave of protests in May were marred by excessive use of force by police, intercommunal mob violence, and incidents of vigilantism.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The environment for nongovernmental organizations (NGOs) has deteriorated in recent years. A law that took effect in 2012 requires NGOs to submit financial reports four times a year on support received from foreign government sources. Under a 2016 law, NGOs that receive more than half of their funding from foreign governments must disclose this fact publicly and in any written or oral communications with elected officials. The measure mainly affects groups associated with the political left that oppose Israel's policies toward the Palestinians; foreign funding for right-leaning groups that support Jewish settlements in the West Bank, for example, more often comes from private sources.

A 2017 law bars access to the country for any foreign individuals or groups that publicly support a boycott of Israel or its West Bank settlements. The measure was criticized by civil society organizations as an obstacle to the activities of many pro-Palestinian and human rights groups. In 2019, the Supreme Court upheld a deportation order that authorities had issued the previous year against Human Rights Watch's regional director, Omar Shakir, in part because the organization had called on businesses to stop operating in West Bank settlements to avoid complicity in human rights abuses.

In October 2021, Israeli authorities designated six civil society organizations that work in the West Bank as terrorist organizations. The government provided little evidence that the groups, some of which received funding from European governments, had links to militant activity, and the move was criticized by international human rights organizations and UN experts as an attack on the broader Palestinian human rights movement.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may join unions and have the right to strike and bargain collectively. Most of the workforce either belongs to Histadrut, the national labor federation, or is covered by its social programs and bargaining agreements. Histadrut also competes with independent union organizations.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent and regularly rules against the government. The Supreme Court has historically played a crucial role in protecting minority groups and overturning decisions by the government and the parliament when they threaten human rights. The court hears direct petitions from citizens and other individuals in Israel as well as Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings.

Some right-wing politicians have advocated reforms that would allow the Knesset to override the Supreme Court when it strikes down legislation. However, lawmakers overwhelmingly rejected such a bill in 2020.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Although due process is largely guaranteed in ordinary cases, those suspected of security-related offenses are subject to special legal provisions. Individuals can be held in administrative detention without trial for renewable six-month terms. According to human rights groups, there were more than 4,000 Palestinians from the occupied territories held in

Israeli facilities on security grounds as of October 2021, including nearly 500 in administrative detention. Under criminal law, individuals suspected of security offenses can be held for up to 96 hours without judicial review under certain circumstances, and be denied access to an attorney for up to 21 days.

Scores of Palestinian children (aged 12–17) from the occupied territories are held in Israeli military detention. Although Israeli law prohibits the detention of children younger than 12, some are occasionally held. Most Palestinian child detainees are serving sentences—handed down by a special military court for minors created in 2009—for throwing stones or other projectiles at Israeli troops in the West Bank; acquittals on such charges are very rare, and the military courts have been criticized for a lack of due process protections. East Jerusalem Palestinian minors are tried in Israeli civilian juvenile courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Israeli border communities receive occasional rocket and artillery fire from militant groups in the Gaza Strip, and more rarely from Lebanon and Syria. In May 2021, a spike in rocket attacks from Gaza in conjunction with the Sheikh Jarrah protests killed about a dozen Israeli civilians, prompting more deadly Israeli air strikes in return. Israeli security forces and civilians also face the ongoing threat of small-scale terrorist attacks, most often involving stabbings or vehicular assaults. Human rights groups have sometimes accused police of using deadly force against stone throwers or perpetrators of stabbing and vehicular attacks when they did not pose a lethal threat.

A record 126 murders were recorded in Arab communities in Israel in 2021, surpassing a previous record set in 2020. Arabs account for the vast majority of murder victims each year despite representing about a fifth of the population, and police are far less likely to solve murders with Arab as opposed to Jewish victims. As part of a coordinated government response to the problem, the November 2021 budget legislation included new spending on socioeconomic development and law enforcement in Arab communities, and the domestic intelligence service was deployed to help combat criminal activity, drawing mixed reactions from Arab politicians and activists.

The Supreme Court banned torture in a 1999 ruling, but said physical coercion might be permissible during interrogations in cases involving an imminent threat. Human rights organizations accuse the authorities of continuing to use some forms of physical abuse and other measures such as isolation, sleep deprivation, psychological threats and pressure, painful binding, and humiliation.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Jewish citizens of Israel, particularly those of Ashkenazi descent, typically enjoy practical advantages relative to the rest of the population on matters including legal treatment and socioeconomic conditions.

Arab or Palestinian citizens of Israel face *de facto* discrimination in education, social services, personal security, and access to housing and related permits. Aside from men who belong to the Druze minority, they are exempted from military conscription, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans. The 2018 nation-state law downgraded Arabic from an official language of the country to a language with “special status,” while another clause said the change would not “affect the status given to the Arabic language before this law came into force,” suggesting that it would be a largely symbolic demotion. In 2019, the

Organisation for Economic Co-operation and Development (OECD) released a report that found a significant and growing gap between the abilities of Hebrew-speaking students and those of their Arabic-speaking peers in Israeli schools.

The 2018 nation-state law also declared that the state “views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening.” The Jewish National Fund (JNF-KKL), which owns about 13 percent of the land in Israel, has effectively maintained a Jewish-only land-leasing policy thanks to a land-swap arrangement with the Israel Land Authority, which grants the JNF-KKL replacement property whenever an Arab bidder obtains a parcel of its land.

Many of Israel’s Bedouin citizens live in towns and villages that are not recognized by the state. Those in unrecognized villages cannot claim social services, are in some cases off the electricity grid, and have no official land rights, and the government routinely demolishes their unlicensed structures.

Israelis of Ethiopian origin suffer from discrimination—including in the criminal justice system—and lag behind the general population economically despite government integration efforts.

Women are treated equally in criminal and civil courts and have achieved substantial parity within Israeli society, though economic and other forms of discrimination persist, particularly among Arab and religious Jewish communities. Arab women are far less likely to be employed than either Arab men or Jewish women.

Discrimination based on sexual orientation is illegal, though LGBT+ people continue to face bias in some communities. Gay and transgender Israelis are permitted to serve openly in the military.

Individuals who enter the country irregularly, including asylum seekers, can be detained for up to a year without charges. Asylum applications, when fully processed, are nearly always rejected. In recent years the authorities have pressured thousands of African migrants and asylum seekers who entered the country irregularly—mostly from Eritrea and Sudan—to agree to be repatriated or deported to a third country, such as Rwanda or Uganda. There have been few new irregular entries since a barrier along the border with Egypt was completed in 2013, though there were more than 30,000 asylum seekers in the country as of 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Security measures can sometimes present obstacles to freedom of movement, though military checkpoints are restricted to the West Bank. Informal local rules that prevent driving on the Sabbath and Jewish holidays can also hamper free movement. Some movement restrictions have been imposed for public health purposes during the COVID-19 pandemic, but they were generally limited in duration and grounded in genuine epidemiological concerns.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights within Israel are effectively protected, and business activity is generally free of undue interference. Businesses face a low risk of expropriation or criminal activity, and corruption is not a major obstacle for private investors. However, the authorities’ general commitment to property rights has been called into question given their handling of unrecognized Bedouin villages and their settlement policies in the occupied territories.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally guaranteed. However, since religious courts oversee personal status issues, women face some disadvantages in divorce and other matters. Many ultra-Orthodox Jewish communities attempt to enforce unofficial rules on gender separation and personal attire. Marriages between Jews and non-Jews are not recognized by the state unless conducted abroad, nor are marriages involving a Muslim woman and a non-Muslim man. Israel recognizes same-sex marriages conducted abroad. Nonbiological parents in same-sex partnerships are eligible for guardianship rights. A 2018 law extended surrogacy rights to women without a male partner but not to men without a female partner, effectively excluding gay men.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Israel remains a destination for human-trafficking victims, and African migrants and asylum seekers residing in the country are especially vulnerable to forced labor and sex trafficking. The government works actively to combat trafficking and protect victims. Israel's legal foreign workers are formally protected from exploitation by employers, but these guarantees are poorly enforced. A smaller number of foreigners work in the country illegally. Histadrut has opened membership to foreign workers and called on employers to grant them equal rights. Discrimination against and exploitation of Palestinians from the occupied territories working in Israel remains commonplace.

Italy

Population: 60,300,000

Capital: Rome

Freedom Status: Free

Electoral Democracy: Yes

Overview: Italy's parliamentary system features competitive multiparty elections. Civil liberties are generally respected, but concerns about the rights of migrants persist, and regional inequalities are substantial and persistent. Endemic problems of corruption and organized crime pose an enduring challenge to the rule of law and economic growth.

KEY DEVELOPMENTS IN 2021

- Following months of instability, the center-left governing coalition collapsed when coalition partner Italia Viva withdrew its support, leading to the resignation of prime minister Giuseppe Conte. After Conte stepped down, the president appointed the former head of the European Central Bank (ECB), Mario Draghi, to the role, calling on him to form a new unity government; Draghi's government was confirmed by a majority in both houses of parliament in February.
 - In October, a protest against vaccine mandates turned violent when members of the neofascist Forza Nuova (New Force) party vandalized the headquarters of a prominent labor union and attempted to break into prime minister Draghi's office. Nearly 40 police officers were injured during the protest, which resulted in at least 12 arrests.
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POLITICAL RIGHTS: 36 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

Parliament and regional representatives elect the president, whose role is largely ceremonial but sometimes politically influential, for a seven-year term. The legitimacy of the presidential vote rests largely on the fairness of legislative elections. Sergio Mattarella, a former constitutional judge backed by the center-left Democratic Party (PD), was elected president in 2015.

The president appoints the prime minister, who serves as head of government and is often, but not always, the leader of the largest party in the Chamber of Deputies, Italy's lower house. The prime minister proposes a Council of Ministers that requires confirmation by parliament.

Giuseppe Conte, an independent law professor who was not a member of parliament, became prime minister in June 2018 as part of the coalition agreement between the Five Star Movement and the League. After the dissolution of the coalition in August 2019, Conte was reinstated as prime minister of the new government formed by the Five Star Movement, the PD, the Free and Equals (LeU), and Italia Viva.

Conte resigned as prime minister in January 2021 after the collapse of his second coalition government. Following Conte's resignation, Mattarella asked the former president of the ECB, Mario Draghi, to form a new unity government. Draghi, who was not a member of parliament, was able to secure the support of nearly all of Italy's major political parties, and was sworn into office in February. The same month, an overwhelming majority in both houses of parliament voted to confirm Draghi's government.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral parliament consists of the 630-member Chamber of Deputies and the 315-member Senate. Members of both houses are popularly elected for five-year terms, though the president can appoint five additional senators, and former presidents are also entitled to Senate seats. In a September 2020 referendum, 70 percent of Italians voted in favor of cutting the Chamber of Deputies to 400 seats, and the Senate to 200. The changes will take effect in 2023.

The March 2018 elections were considered free and fair by international observers. However, the resulting center-right coalition government led by the League party and the Five Star Movement collapsed in August 2019 amid a coalitional crisis provoked by League leader Matteo Salvini. That September, a new government was forged by a coalition including the Five Star Movement, the PD, and LeU, later joined by Italia Viva. The second coalition government collapsed in January 2021, after Italia Viva withdrew from the ruling coalition following months of instability. The political crisis was resolved in February, when a new unity government was formed, headed by Mario Draghi and backed by all of Italy's major political parties, with the exception of the far-right Brothers of Italy party. Draghi's government maintained the support of the majority of the parliament throughout the year, and has enjoyed relatively high levels of credibility and stability.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

While Italy's electoral framework and campaign finance regulations are complex, the elections they enable have consistently been deemed fair and credible.

The current electoral law, adopted by parliament in 2017, introduced a mixed system in both houses, with 36 percent of seats allocated using the first-past-the-post method, and 64 percent using a proportional, party-list method. The law encouraged coalition governments, as demonstrated by the 2018 election results.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are generally able to form and operate freely, and the political landscape features a high level of pluralism and competition. Since the beginning of the 1990s, politics have been characterized by unstable coalitions and the frequent emergence of new parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Italy has a long record of frequent changes in the governing coalition, with multiple transfers of power since the early 1990s.

Municipal elections held in October 2021 saw a shift toward center-left coalitions within the local governments of many of Italy's largest cities, with right-wing parties entering the opposition.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

The public is generally free to make political choices without undue interference. However, organized crime groups retain some ability to intimidate and influence politicians, especially at the local level, and to establish corruption networks abetted by public administrators. In 2021, the government dissolved several town councils over ties to local mafia-like groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Electoral laws contain provisions designed to encourage political participation by linguistic minorities, and to promote gender parity, though progress toward full political representation for women and LGBT+ people remains slow.

The extremely limited political participation rights accorded to migrants limits their voice in national politics, a dynamic exacerbated by the emergence of a xenophobic and nationalist discourse in recent years. In October 2020, the government amended the tightened restrictions on citizenship and naturalization enacted in 2018, but maintained several provisions that imposed barriers to citizenship, including a lengthy processing period and an Italian-language proficiency requirement.

European Union (EU) citizens are entitled to vote in local elections.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are able to craft and implement policy without improper interference from unelected entities. However, Italy has not yet adopted comprehensive lobbying regulations at the national level.

The president selected Mario Draghi, who did not then hold elected office, to form a new government in February 2021. Draghi became prime minister later that month, and both houses of parliament confirmed his Cabinet in a landslide vote; his government enjoys wide-ranging political support, and is able to determine the country's policies.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption remains a serious problem despite long-term efforts to combat it, and its impact is exacerbated when officials and members of organized crime networks jointly carry out graft schemes. Since 2018, Italy has strengthened its anticorruption framework. An anticorruption law adopted in 2019 tightened sanctions for corruption, reformed statutes of limitation to limit stalling tactics, and extended existing antimafia investigative tools to include corruption offenses. Despite this increased capacity, many sectors require additional reforms to limit graft, including public procurement.

C3. Does the government operate with openness and transparency? 3 / 4

The legal framework mandates administrative transparency and access to public information through the Freedom of Information Act (FOIA) adopted in 2016. Although the legislation designates access to information as a fundamental right, efforts to ensure compliance with FOIA requests by public administrators remain incomplete.

CIVIL LIBERTIES: 54 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Freedom of the press is constitutionally guaranteed. Despite the rapid growth of the online news industry, traditional media still play a large role in news consumption. There are more than 100 daily newspapers, most of them locally or regionally based, as well as political party papers, free papers, and weekly publications. Concentration of ownership remains a major concern. Internet access is generally unrestricted.

Italy's Ministry of the Interior registered 232 acts of intimidation against journalists in 2021, representing a 42 percent increase from the 163 such events recorded the previous year. Organized crime threats—which have resulted in permanent police protection for a number of journalists—accounted for 11 percent of the acts, while 49 percent were attributed to social or political motivations.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and respected in practice. There is no official religion; while the Roman Catholic Church receives certain benefits under a treaty with the state, other groups have access to similar benefits through their own accords.

Some local governments have raised obstacles to the construction and recognition of mosques, and right-wing political parties have stoked anti-Muslim attitudes. Antisemitic acts have also trended upward in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are typically able to freely discuss controversial or sensitive topics in public without fear of surveillance or retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The freedom to assemble peacefully is guaranteed in the constitution and typically upheld in practice. COVID-19 containment measures included restrictions on freedom of assembly in both 2020 and 2021, though demonstrations against lockdown measures took place throughout both years. Some antilockdown demonstrations sparked violent clashes between protesters and police, including in October 2021, when members of the neofascist Forza Nuova party vandalized the headquarters of a prominent labor union and attempted to break into Draghi's office during a protest against vaccine mandates. Nearly 40 police officers were injured during the protest, which resulted in at least 12 arrests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are generally free to organize and operate. In 2018 and 2019, Italian authorities engaged in repeated standoffs with NGO-operated ships involved in rescue operations of trafficked and smuggled migrants and refugees in the Mediterranean Sea. In 2019 new decrees limited access to Italian ports, leading to extended wait times for disembarkation that created serious health risks for migrants, and imposed large potential fines for noncompliance. In October 2020, the government amended the decrees, lowering—though not eliminating—the fines. In 2021, despite existing restrictions and repeated delays, a number of people rescued in NGO operations were allowed to disembark in Italian ports.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions are generally free to organize and operate. The constitution recognizes the right to strike but places restrictions on strikes by employees in essential sectors like transportation, sanitation, and health, as well as by some self-employed individuals, including lawyers, doctors, and truck drivers.

COVID-19 containment measures did not include restrictions on the right to strike. In June 2021, the government lifted a COVID-19-related ban on firing workers in the construction and manufacturing industries; the protections were extended until October for textile and garment workers.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is generally independent and autonomous. Allegations of abuse of power and corruption involving members of the High Council of the Judiciary, which controls internal governance of the judiciary, have led to reform efforts, including an August 2020 proposal to improve the Council's accountability and transparency; the bill remained pending in parliament as of the end of 2020.

Organized crime networks continue to threaten judges and prosecutors involved in anti-mafia processes, particularly in Calabria, but state protection measures function adequately, and both attacks and the incidence of mafia-related judicial corruption have declined overall in recent years.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are largely upheld. However, judicial procedures are often characterized by lengthy delays; Italy has one of the lowest numbers of judges per capita in the European Union. The government has been criticized for denying detained migrants access to lawyers. In September 2021, the parliament approved a number of criminal justice reforms, including a requirement that initial appeals be resolved within two years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While the population is generally free from major threats to physical security, there have been reports of excessive use of force by police and prison guards, particularly against undocumented migrants. Asylum seekers and undocumented migrants have been held in overcrowded and unhygienic conditions. In 2021, Italy suspended more than 50 prison guards after a news website published video footage that showed the guards physically assaulting inmates who were staging a protest to demand protection against the spread of COVID-19.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The law prohibits discrimination based on gender, race, and sexual orientation, among other categories, and these protections are generally enforced. However, members of the Romany minority have unequal access to housing, and many live in segregated settlements that lack adequate infrastructure. LGBT+ people face societal discrimination and occasional acts of violence. In October 2021, the Senate blocked a bill that would define violence against women and LGBT+ people as a hate crime.

Italy's treatment of migrants, refugees, and asylum seekers has been subject to significant criticism in recent years. In late 2018, parliament approved legal changes that tightened conditions for granting asylum and humanitarian protection, reduced access to services, and eased deportation conditions. A decree enacted in October 2020 allows migrants and refugees to apply for residency on humanitarian protection grounds if they "risk being subjected to torture or inhumane treatment" at home and expands access to public services, but does not offer regularized status to those who lost legal residency under the 2018 decrees.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Individuals are generally free to travel and to change their place of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal and regulatory framework supports property rights and the operation of private businesses, but corruption and organized crime can hinder normal business activity, as can onerous bureaucratic obstacles. Delays in court proceedings often undermine enforcement of protections for property rights.

According to experts on organized crime, mafia groups exploited the social and economic crises provoked by the COVID-19 pandemic, distributing goods and expanding control of cash-starved local businesses via loan-sharking and money-laundering operations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The law protects individual freedom on personal status issues such as marriage and divorce. Same-sex civil unions with nearly all the benefits of marriage are permitted, and courts have begun to recognize second-parent adoption rights for same-sex couples. Though public awareness of the problem of domestic violence is increasing due to advocacy campaigns, it remains a persistent issue, and calls to the national domestic violence rose significantly during the COVID-19 lockdown.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

In the last few years, Italy has adopted measures to combat human trafficking and labor exploitation, but both phenomena remain concerns, especially with respect to asylum seekers, refugees, and migrants from Eastern Europe. The COVID-19 pandemic increased migrants' vulnerability to exploitation and worsened labor and living conditions, even as many were excluded from large-scale government aid programs instituted in response to the crisis. During 2020, the government assented to demands by Italy's major trade union confederations and repeatedly extended a ban on firing workers amid the coronavirus emergency. The ban was extended to June 2021 for workers in the construction and manufacturing sectors, and through October for those in the textile and garment industries.

The trafficking of women and girls for sexual exploitation remains a concern. In a positive step, 2020 amendments to the 2018 immigration decrees ended asylum seekers' exclusion from access to reception centers, which had left victims of trafficking without assistance.

Jamaica

Population: 2,800,000

Capital: Kingston

Freedom Status: Free

Electoral Democracy: Yes

Overview: Jamaica's political system is democratic and features competitive elections and orderly rotations of power. However, corruption remains a serious problem, and long-standing relationships between officials and organized crime figures are thought to persist. Violent crime remains a concern, as does harassment and violence against LGBT+ people.

KEY DEVELOPMENTS IN 2021

- In February, the Inter-American Commission of Human Rights (IACHR) published a ruling finding Jamaica to be in violation of the American Convention of Human Rights (ACHR) for its anti-LGBT+ legislation. The IACHR recommended that the government revise legislation to ensure that all forms of discrimination based on sexual orientation or gender identity or expression are prohibited; Jamaica's justice minister rejected the ruling, and the government had not moved to implement the IACHR's recommendations before year's end.
 - The minister of agriculture, Floyd Green, resigned in September after a video that showed him violating COVID-19-related lockdown regulations emerged. Various restrictions on movement, including curfews and "no-movement days," were
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intermittently imposed during the year as part of the government's strategy to curb the spread of the coronavirus.

POLITICAL RIGHTS: 34 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The British monarch is the ceremonial head of state and is represented by a governor general. The prime minister is the head of government; the position is appointed after elections by the governor general, and usually goes to the leader of the majority party or coalition. The prime minister's legitimacy rests largely on the conduct of legislative elections, which in Jamaica are generally free and fair. Jamaica Labour Party (JLP) leader Andrew Holness became prime minister after the party's narrow win in the 2016 election; he retained and strengthened his position in the 2020 election.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Jamaica's bicameral Parliament consists of a 63-member House of Representatives, elected for five years, and a 21-member Senate, with 13 senators appointed on the advice of the prime minister and 8 on the advice of the opposition leader. Senators also serve five-year terms.

In 2020, the governing JLP won a convincing victory, taking 57 percent of the vote; given the dynamics of Jamaica's first-past-the-post electoral system, this translated to wins in 49 districts. The elections were considered free and fair. However, due to COVID-19 and voter apathy, turnout was by far the lowest in the country's history (other than the People's National Party [PNP]–boycotted election in 1983), at just 37 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair, and they are implemented impartially by the Electoral Commission of Jamaica.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties form and operate without restriction. Although various smaller parties are active, politics at the national level are dominated by the social democratic PNP and the more conservative JLP.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties operate freely, and political power has alternated between the PNP and JLP.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Powerful criminal organizations can influence voters who live in areas under their control. These organizations have used intimidation or other tactics to ensure high voter turnout

for particular candidates or parties in exchange for political favors; there were scattered reports of such activity in the 2020 election.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in politics. Eleven women were elected to the lower house in 2016, amounting to 17.5 percent of the body. The situation improved somewhat in 2020, with a record eighteen women elected, or 29 percent.

The LGBT+ community experiences harassment and violence, and this limits the ability of openly LGBT+ people to engage in political and electoral processes. Political attacks are often couched in anti-LGBT+ rhetoric.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The elected prime minister and national legislative representatives determine the policies of the government. However, powerful criminal groups, as well as corruption in politics, can affect democratic policymaking.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Long-standing links between officials and organized crime figures persist. Government bodies continue to pursue corruption investigations, and cases often end in convictions. However, there are criticisms in the media and from nongovernmental organizations (NGOs) that authorities are reluctant to pursue some cases, while others are subject to extensive delays. Government whistleblowers are not well protected.

New legal efforts to fight corruption have been mounted in recent years. These include the approval of the Integrity Commission Act of 2017, which requires lawmakers and public officials to disclose their income, liabilities, and assets; the act also streamlined anticorruption laws and empowered a single commission to monitor compliance. The Integrity Commission began its work in 2018, and in May 2021, publicly asserted its independence, saying that it would not accept political interference in “when or how” it chooses to carry out its mandate. However, its effectiveness has been limited by several high-profile resignations, delays in issuing reports, and a lack of prosecutions resulting from its work. Additionally, the parliamentary Integrity Commission Oversight Committee (ICOC), which is tasked with assessing the Commission’s recommendations on how to improve anticorruption legislation, has largely failed to fulfil its duties.

In a 2019 report to the Senate, the Integrity Commission warned that managers at oil refining firm Petrojam had spent J\$2.6 million (\$19,700) on birthday parties, and that the firm was unable to justify major outlays. Investigations into graft at Petrojam continued during 2021. Both the former chairman and general manager of Petrojam were arrested in March 2021 and charged with obtaining money via false pretenses and aiding and abetting that effort, respectively. Additional fraud-related charges were filed against both individuals in October.

In October 2019, former education minister Ruel Reid, two relatives, and Caribbean Maritime University (CMU) president Fritz Pinnock were arrested on suspicion of corruption, fraud, and the misappropriation of as much as J\$50 million (\$380,000) in public funds for their personal use. The case remained pending as of the end of 2021.

C3. Does the government operate with openness and transparency? 2 / 4

An access to information law has been in effect since 2004, though it contains a number of exemptions. Legislative processes are often opaque.

In September 2020, the JLP government rescinded an informal convention that placed six pivotal parliamentary oversight committees under opposition leadership; officials cited alleged PNP ineffectiveness to justify appointing government legislators to head four of the committees.

CIVIL LIBERTIES: 46 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 4 / 4**

The constitutional right to free expression is generally respected. Most newspapers are privately owned and express a variety of views. Broadcast media are largely publicly owned but espouse similarly pluralistic points of view. Journalists occasionally face intimidation, especially in the run up to elections.

In June 2020, Parliament passed a data protection bill that critics suggested was overly broad in scope and could allow authorities to compel journalists investigated under its provisions to reveal their sources.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally protected and generally respected in practice. While laws banning Obeah—an Afro-Caribbean shamanistic religion—remain on the books, they are not actively enforced.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government does not restrict academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are generally free to express their personal views on political or other sensitive topics. However, the presence of powerful criminal groups in some urban neighborhoods can discourage people from talking openly about such groups' activities.

In 2017, the House of Representatives passed a bill establishing the groundwork for a National Identification System (NIDS). Privacy advocates expressed concern about possible overcollection of people's personal information, and in 2019, the Supreme Court ruled the NIDS unconstitutional, stating that a requirement that citizens submit biometric data infringed on Jamaicans' privacy. In 2020, the government revised the bill, making enrollment voluntary. The House of Representatives passed the legislation in October 2021, as did the Senate in November.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is provided for by the constitution and is largely respected in practice. Protests are occasionally marred by violence or otherwise unsafe conditions, though such events in recent years have been held without major incident. During 2021, several unauthorized protests against the country's COVID-19 vaccination program led to arrests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Jamaica has a robust and vibrant civil society with many active community groups. However, some struggle financially or have difficulty attracting volunteers, negatively impacting their levels of engagement. Others are funded by the central government, but for the most part act autonomously. NGOs are well represented in the education, health, and environment sectors, and many provide support for the most marginalized groups in society.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Around 20 percent of the workforce is unionized, and antiunion discrimination is illegal. Labor unions are politically influential and have the right to strike. However, workers in essential services must undergo an arbitration process with the Ministry of Labor and Social Security before they may legally strike, and the definition of the work constituting “essential services” is broad. There are reports of private employers laying off unionized workers and then later hiring them as contract workers.

The Industrial Disputes Tribunal (IDT) is allowed to reinstate workers whose dismissals are found to be unjustified, although cases before the IDT often take much longer to settle than the 21 days stipulated by the law.

F. RULE OF LAW: 9 / 16**F1. Is there an independent judiciary? 4 / 4**

Judicial independence is guaranteed by the constitution, and while the judiciary is widely considered independent, corruption remains a problem in some lower courts.

F2. Does due process prevail in civil and criminal matters? 2 / 4

A large backlog of cases and a shortage of court staff at all levels continue to undermine the justice system. The vast majority of arrests are made without a warrant, detainees frequently lack access to legal counsel, and trials are often delayed for many years or dismissed due to systemic failures. In order to reduce the backlog, the government passed the 2017 Criminal Justice (Plea Negotiations and Agreements) Act, which increased avenues for the resolution of cases outside of trial. Since its passage, prosecutors, judges, and government officials have noted an unwillingness from some defendants to consider plea deals.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Killings by police remain a serious problem in Jamaica. According to the government’s Independent Commission of Investigations, 127 people were shot and killed by security personnel in 2021. Prosecutions for illegal killings by members of the security forces are rare.

Gang and vigilante violence remain common. Police reported 1,463 murders in 2021—an increase of 10.6 percent compared to 2020—giving Jamaica the highest homicide rate (approximately 49.4 per 100,000) in the Americas in 2021. The country is a transit point for cocaine, and much of the island’s violence is the result of warfare between drug-trafficking organizations. Kingston’s insular “garrison” communities, home to scores of gangs, remain the epicenter of violence and serve as safe havens for criminal groups. Many initiatives to address the problem have been undertaken by successive governments, but crime and violence remain deeply entrenched.

States of emergency (SOEs), which provide expanded authority to the security forces, are frequently imposed in response to localized spikes in violence. In February 2021, the government announced that no SOEs would be issued until an appeal against a 2020

Supreme Court ruling—which declared the months-long detention of five men without charge under an SOE to be unconstitutional—had been resolved. However, the government announced new SOEs in seven police divisions in November, though the appeal remained undecided through year’s end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Harassment and violence targeting LGBT+ people remains a major concern, and such instances are frequently ignored by the police. Anti-LGBT+ discrimination is pervasive.

In 2014, the government expanded the Offences Against the Person Act to criminalize the promotion of violence against any category of persons, including LGBT+ individuals, via audio or visual materials. Jamaica’s first public pride event took place in 2015, and subsequent events have grown larger, though they are still met with government reticence. Some high-profile politicians have also spoken out publicly in support of the Jamaica Forum of Lesbians, All-Sexuals and Gays (J-FLAG), a rights group, in recent years. In November 2020, the government accepted several recommendations made by the United Nations Human Rights Council (UNHRC), including strengthening antidiscrimination policies and improving investigations into cases of violence against LGBT+ people.

Legislation against sodomy, which is punishable by 10 years in prison with hard labor, has been challenged in court and at the Inter-American Commission on Human Rights (IACHR). In 2018, a parliamentary subcommittee proposed a national referendum on repealing Jamaica’s antisodomy law; a view supported by Prime Minister Holness. However, that approach was criticized by LGBT+ activists, who felt legislators should scrap the law themselves. In February 2021, the IACHR published a nonbinding decision stating that Jamaica’s laws against sodomy violate the American Convention of Human Rights (ACHR). The IACHR made several recommendations, including that the government repeal parts of the Offences Against the Person Act, ensuring that all forms of discrimination based on sexual orientation or gender identity or expression are prohibited. Jamaica’s justice minister rejected the ruling, and the government had not moved to implement the IACHR’s recommendations before year’s end.

Women enjoy the same legal rights as men but suffer employment discrimination and tend to earn less than men for performing the same job. Acceptance of Rastafarians is increasing, but discrimination persists, particularly in schools.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Although there are constitutional guarantees of freedom of movement, political and communal violence frequently precludes the full enjoyment of this right. States of emergency are regularly enacted, with residents of affected areas facing roadblocks, random searches, and identity checks. There are no formal restrictions on people’s ability to change their place of employment or education.

Various restrictions on movement, including curfews and “no-movement days,” were intermittently imposed during 2020 and 2021 in response to the spread of COVID-19. In September 2021, then minister of agriculture Floyd Green resigned after a video that showed him violating COVID-19-related lockdown regulations was released.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Jamaica has an active private sector and a powerful probusiness lobby. Individuals are free to establish businesses subject to legal requirements, which are not onerous. Recent reforms have included expediting the incorporation process, making electricity in Kingston more consistent, and easing the import process. However, corruption and crime can still hamper normal business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Legal protections for women and girls are poorly enforced, and violence and discrimination remain widespread. There is no blanket ban on spousal rape, nor are there laws against sexual harassment. Child abuse, including sexual abuse, is widespread.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents of neighborhoods where criminal groups are influential are at a heightened risk of becoming victims of human traffickers. Because of the poverty in certain communities and high-profile tourism industry, child sex tourism is present in some of Jamaica's resort areas, according to local NGOs.

Japan

Population: 126,400,000

Capital: Tokyo

Freedom Status: Free

Electoral Democracy: Yes

Overview: Japan is a multiparty parliamentary democracy. The ruling Liberal Democratic Party (LDP) has governed almost continuously since 1955, with stints in opposition from 1993 to 1994 and 2009 to 2012. Political rights and civil liberties are generally well respected. Outstanding challenges include ethnic and gender-based discrimination and claims of improperly close relations between government and the business sector.

KEY DEVELOPMENTS IN 2021

- The head of the Tokyo Olympics organizing committee resigned in February after his sexist remarks drew widespread criticism and renewed debate about gender discrimination in Japan. The Olympics, originally scheduled for 2020, proceeded in July and August despite the ongoing COVID-19 pandemic.
- In March, a Sri Lankan woman died in a detention facility after being held since August 2020 for overstaying her visa. An investigation found that immigration authorities had failed to provide appropriate medical care as her health deteriorated.
- In September, having lost public and party support, Prime Minister Yoshihide Suga announced that he would not seek reelection as the LDP's leader and would step down from his government post. The LDP held a party caucus later that month and chose Fumio Kishida as its new leader; Kishida then took office as prime minister.
- In October, the LDP retained its majority in elections for the lower house of parliament, confirming Kishida's premiership.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The prime minister is the head of government and is chosen by the freely elected parliament. The prime minister selects the cabinet, which can include a limited number of ministers who are not members of the parliament. Japan's emperor serves as head of state in a ceremonial capacity.

Yoshihide Suga, the prime minister since September 2020, announced in September 2021 that he would not stand for reelection as the LDP's leader later that month, having lost public and political support during his short time in office. The party chose Fumio Kishida as its new leader, and the parliament voted to confirm him as prime minister a few days later.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The parliament, or Diet, has two chambers. The more powerful lower house, the House of Representatives, has 465 members elected to maximum four-year terms through a mixture of single-member districts and proportional representation. The upper house, the House of Councillors, has 245 members serving fixed six-year terms, with half elected every three years using a mixture of nationwide proportional representation and prefecture-based voting. The prime minister and his cabinet can dissolve the lower house, but not the upper house. The lower house can also pass a no-confidence resolution that forces the cabinet to either resign or dissolve the lower house.

Legislative elections in Japan are free and fair. In the October 2021 lower house elections, the LDP won 259 seats, and an allied party, Komeito, took 32. Some independents later joined the LDP, adding to its majority. The opposition Constitutional Democratic Party (CDP) won 96 seats, and smaller parties and independents captured the remainder. In July 2019 elections for the upper house, the LDP-led coalition retained 71 seats out of the 124 contested, giving it a comfortable majority of 141 seats in the chamber, although it fell short of the two-thirds supermajority required to revise the constitution. The CDP won 17 seats, and other seats went to smaller parties and independents.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Japan's electoral laws are generally fair and well enforced. Campaigning is heavily regulated, which typically benefits incumbents, although the rules are applied equally to all candidates. In March 2021, a former LDP justice minister announced his resignation from the lower house after pleading guilty to vote buying in connection with his wife's campaign for an upper house seat in 2019.

Malapportionment in favor of the rural districts from which the LDP draws significant support has been a persistent problem, despite a series of reforms to reduce the disparity with urban districts. A 2020 Supreme Court ruling upheld the constitutionality of the most recent upper house elections, but called on lawmakers to address the remaining gap in voting power between the most and least populated constituencies. A new round of redistricting was expected to take place in 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Parties generally do not face undue restrictions on registration or operation. Nine parties were represented in the Diet as of 2021, and independents also held a number of seats. Splits and mergers among existing parties are not uncommon.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

While the LDP has governed for most of Japan's postwar history, there have been democratic transfers of power to and from alternative parties. Opposition parties are represented in the parliament and govern at the subnational level.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from improper interference by powerful interests that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Citizens enjoy equal rights to vote and run in elections regardless of gender, ethnicity, religion, sexual orientation, or gender identity.

Women remain underrepresented in government. There were two women contenders in the September 2021 contest to select a new LDP president. A nonbinding 2018 gender parity law urges parties to nominate equal numbers of male and female candidates. In the 2021 lower house elections, 17.7 percent of all candidates and 9.7 of winning candidates were women.

Around 600,000 ethnic Koreans born in Japan hold special residency privileges but not Japanese citizenship, meaning they are ineligible to participate in any elections at the national and local levels. Most but not all are South Korean nationals, and they have the option of applying for Japanese citizenship.

The Ainu, an Indigenous people numbering at least 20,000, live mostly on the northern island of Hokkaido. The Ainu Party was launched in 2012 to increase their political representation, though it has yet to win seats in the Diet.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are free to govern without undue interference, though senior civil servants have some influence over policy.

C2. Are safeguards against official corruption strong and effective? 4 / 4

The prevalence of corruption in government is relatively low, media coverage of political corruption scandals is widespread and vigorous, and officials who are implicated face criminal prosecution. For instance, a former agriculture minister was indicted in January 2021 on a charge of receiving bribes from an egg production company.

Some government officials have close relations with business leaders. Retiring bureaucrats often quickly secure high-paying positions with companies that receive significant government contracts. It was revealed in March 2021 that a television production company had treated officials from the Ministry of Internal Affairs and Communications to expensive meals in order to secure favorable regulatory decisions.

C3. Does the government operate with openness and transparency? 4 / 4

The government generally operates with openness and transparency. Access to information legislation allows individuals to request information from government agencies, though in practice the law has not always been implemented effectively. Government officials have at times withheld information from lawmakers and the public in connection with political scandals. An internal file released in June 2021 by the Ministry of Finance revealed that a senior government official had directly instructed employees to alter documents related to a controversial sale of state-owned land.

CIVIL LIBERTIES: 56 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Freedom of the press is guaranteed in the constitution, and Japan has a highly competitive media sector. However, press freedom advocates have expressed concern about a 2014 law that allows journalists to be prosecuted for revealing state secrets, even if the information was unknowingly obtained. A 2017 report by the UN special rapporteur on freedom of expression noted concern about pressure on the media from the government, and recommended the repeal of Article 4 of the Broadcast Act, which gives the government the power to determine what information is “fair” and thus acceptable for public broadcast.

Under the traditional *kisha kurabu* (press club) system, institutions such as government ministries and corporate organizations have restricted the release of news to journalists and media outlets with membership in their clubs. While the club system has been criticized for privileging the major dailies and other established outlets that belong to it and potentially encouraging self-censorship, in recent years online media and weekly newsmagazines have challenged the daily papers’ dominance of political news with more aggressive reporting.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed by the constitution, and there are no substantial barriers to religious practice or the expression of nonbelief.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is constitutionally guaranteed and mostly respected in practice, but education and textbooks have long been a focus of public and political debate. While there is not a national curriculum or single official history text, the Ministry of Education’s screening process has approved textbooks that downplay Japan’s history of imperialism and war atrocities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government generally does not restrict personal expression or private discussion. Some observers have raised concerns that antiterrorism and anticonspiracy legislation that went into effect in 2017 could permit undue surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is protected under the constitution, and peaceful demonstrations take place frequently. In 2021, protests were held on topics including opposition to

proceeding with the Olympic Games in Tokyo amid the COVID-19 pandemic, gender discrimination, and racial discrimination against foreigners.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are generally free from undue restrictions and remained diverse and active in 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Most workers have the legal right to organize, bargain collectively, and strike. However, public-sector workers are barred from striking, and some, such as firefighters and prison staff, cannot form unions. Labor unions are active and exert political influence through the Japanese Trade Union Confederation and other groupings.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

Japan's judiciary is independent, and judges cannot be removed arbitrarily. For serious criminal cases, a judicial panel composed of professional judges and *saiban-in* (lay judges), selected from the general public, render verdicts.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutional guarantees of due process are generally upheld. However, observers have argued that trials often favor the prosecution. There are reports that suspects have been detained on flimsy evidence, arrested multiple times for the same alleged crime, or subjected to lengthy interrogations that yield what amount to forced confessions. Police can detain suspects for up to 23 days without charge. Access to those in pretrial detention is sometimes limited.

Legislation adopted in 2017 added nearly 300 categories of conspiracy offenses to the criminal code in order to help unravel terrorist plots and organized crime networks. Critics of the changes raised concerns that they gave the government too much authority to restrict civil liberties.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Japan are generally protected from the illegitimate use of physical force and the threat of war and insurgencies. Violent crime rates are low. However, organized crime is fairly prominent, particularly in the construction and nightlife sectors; crime groups also run drug-trafficking and loan-sharking operations.

Three people were executed in 2021, having been convicted of multiple murders. Prisoners who face death sentences or are accused of crimes that could carry the death penalty are held in solitary confinement, sometimes for years at a time. There are frequent reports of substandard medical care in prisons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Societal discrimination against foreigners and various minority groups has generally declined over time, but it can affect access to housing and employment.

A law adopted in 2016 was intended to eliminate discrimination against Japan's estimated three million *burakumin*—descendants of feudal-era outcasts. The law obliges

national and local governments to provide advice, support, and education on the issue, but it does not assign penalties for acts of discrimination.

A 2019 law officially recognized the Ainu as an Indigenous people of Japan, though critics noted that it failed to offer an apology for past mistreatment.

Japan-born descendants of colonial subjects (particularly ethnic Koreans and Chinese) also experience discrimination. A 2016 hate speech law calls on the government to take steps to eliminate discriminatory speech against ethnic minorities, but it does not carry any penalties for perpetrators.

LGBT+ people face social stigma and in some cases harassment. There is no national law barring discrimination based on sexual orientation or gender identity. In 2016, sexual harassment regulations for national public officials were modified to prohibit harassment on the basis of sexual orientation or gender identity. Employment discrimination and sexual harassment against women are common. The head of the Tokyo Olympics organizing committee resigned in February 2021 after receiving widespread criticism for his sexist remarks.

Asylum is granted to less than 1 percent of those who apply each year under Japan's strict screening process, and very few refugees are accepted for third-country resettlement in Japan. In March 2021, a Sri Lankan woman died in a detention facility, having been confined since August 2020 for overstaying her visa. Japan's immigration agency admitted to mistreating the woman after a probe found that the detention facility had failed to provide appropriate medical care despite her deteriorating health.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are few significant restrictions on internal or international travel, or on individuals' ability to change their place of residence, employment, and education.

The government was criticized for its restrictions on entry for foreign travelers early in the COVID-19 pandemic, as the limits applied even to permanent residents seeking reentry; the rules were eased for residents in September 2020. Internal travel was discouraged, but the government had no legal authority to impose lockdowns.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are generally respected. People are free to establish private businesses, although Japan's economy is heavily regulated.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While personal social freedoms are mostly protected, there are some limitations. The country's system of family registration, *koseki*, recognizes people as members of a family unit and requires married couples to share a surname, which usually defaults to the husband's surname. This can create legal complications for women as well as children born out of wedlock or to divorced parents, among others. The Supreme Court ruled in June 2021 that the legal provisions forcing married couples to use the same surname did not violate the constitution.

There is no legal recognition of same-sex marriage in Japan, though some municipal and prefectural governments have passed local legislation allowing the registration of same-sex partnerships.

Domestic violence is punishable by law, and protective orders and other services are available for victims, but such abuse often goes unreported.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Individuals generally enjoy equality of opportunity, and the legal framework provides safeguards against exploitative working conditions. However, long workdays are common in practice and have been criticized as harmful to workers' health.

Many workers are temporary or contract employees with substantially lower wages, fewer benefits, and less job security than regular employees.

Commercial sexual exploitation remains a problem. Traffickers frequently bring foreign women into the country for forced sex work by arranging fraudulent marriages with Japanese men.

Jordan

Population: 10,900,000

Capital: Amman

Freedom Status: Not Free

Electoral Democracy: No

Overview: Jordan is a monarchy in which the king plays a dominant role in politics and governance. The parliament's lower house is elected, but the electoral system puts the opposition at a disadvantage, and the chamber wields little power in practice. The media and civil society groups are hampered by restrictive laws and government pressure. The judicial system lacks independence and often fails to ensure due process.

KEY DEVELOPMENTS IN 2021

- In April, King Abdullah II ordered the arrest of a group of former officials and members of the royal family, including the king's half-brother Prince Hamzah bin al-Hussein, who the king claimed had plotted a coup. Their trials were swift, key witnesses were denied testimony, the evidence presented was weak, and the charges against them were vague.
- In March, the social media application Clubhouse was shut down in what is widely seen as an attempt to subdue free expression. Citizens criticized this restriction on other social media platforms like Facebook and Twitter, where they also threatened to defy the move by downloading Clubhouse onto their smartphones through virtual private networks (VPNs).

POLITICAL RIGHTS: 11 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Jordan's hereditary monarch, King Abdullah II, holds broad executive powers. He appoints and dismisses the prime minister and cabinet and may dissolve the bicameral National Assembly at his discretion. Constitutional amendments adopted in 2016 empowered the king to make a number of other appointments, including the crown prince and a regent, without a royal decree countersigned by the prime minister or other cabinet ministers.

Abdullah II dissolved the parliament in September 2020, and the prime minister Omar al-Razzaz, a former World Bank economist and education minister, resigned in early October. Al-Razzaz was succeeded days later by Bisher al-Khasawneh, a veteran diplomat and royal adviser.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The king appoints the 65 members of the upper house of the parliament, the Senate. The lower house, the 115-seat House of Representatives, is elected for four-year terms or until the parliament is dissolved. Its members win office through races in 23 multimember districts, with 15 seats reserved for the leading women candidates who failed to capture district seats. Twelve district seats are reserved for religious and ethnic minorities.

The royal court announced its intention to trigger an election in a July 2020 statement, and Abdullah II dissolved the parliament in late September. However, uncertainty over the early-November polling date amid the ongoing COVID-19 pandemic prompted some candidates to delay campaign efforts. International observers, who regularly monitor parliamentary elections, were largely absent.

Independents, many of whom were tribal figures and businesspeople considered loyal to the monarchy, won 133 seats. The Islamic Action Front (IAF), the Islah Alliance, and the Muslim Center Party each won 5 seats. Voter turnout stood at 29.9 percent, down from 36 percent in 2016. Vote buying, which was observed in 2016, became more common during the November 2020 contest, partially due to the dire economic situation caused by the pandemic.

Elections for mayors, local and municipal councils, and 12 new governorate councils created under a 2015 decentralization law were last held in 2017. However, 15 percent of the governorate council seats are appointed, and the councils have no legislative authority. A quarter of the seats in the Amman municipal council are also appointed by the government.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are administered by the Independent Election Commission (IEC), which generally receives positive reviews from international monitors in terms of technical management, though irregularities continue to be reported. IEC members are appointed by royal decree.

The 2016 electoral-law reform introduced multiple-vote proportional representation for parliamentary elections, replacing a single nontransferable vote system that favored progovernment businesspeople and tribal elites over opposition-oriented political parties. The new law also redrew district lines so as to mitigate acute malapportionment that has long placed urban voters at a severe disadvantage. However even after these changes, rural and tribal voters, who make up the regime's support base, remain heavily overrepresented.

The legal framework for elections is unstable. Major changes are often introduced weeks before polling day, hindering campaign efforts. Candidate registration is reportedly easier in some progovernment areas.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties based on ethnicity, race, gender, or religion are banned in Jordan. Parties must receive approval from the Ministry of Political and Parliamentary Affairs.

Authorities have reportedly intimidated individuals attempting to form political parties and there is a long-standing fear of creating or joining political parties due to the regime's historically harsh repression of them.

While the IAF has been tolerated, it suffers from the electoral system's malapportionment, which affects its urban support base. Its parent organization, the Muslim Brotherhood, was deregistered in 2015 when the government licensed its offshoot group, the Muslim Brotherhood Society (MBS). The Muslim Brotherhood's offices were forcibly shuttered in 2016, after the regime prevented it from holding internal elections, exacerbating preexisting divisions and weakening it politically. In July 2020, the organization lost an appeal against the transfer of its offices to the MBS, with the Court of Cassation ordering its dissolution. The Muslim Brotherhood vowed to appeal, and the IAF participated in the November 2020 poll despite the ruling.

The electoral system favors tribally affiliated independents over political parties with specific ideologies and platforms, as does the patronage-based political culture. In October 2020, the al-Hayat Center for Civil Society Development, a local nongovernmental organization (NGO), reported that only 12 percent of candidates relied on party lists to earn votes.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The political system—including the overrepresentation of rural voters—limits the ability of any party-based opposition to make significant gains. The IAF and its ally the Islah Alliance, won a combined 8.7 percent of lower-house seats in the November 2020 election. Moreover, the constitutional authority of the monarchy means that no opposition force can win control of the executive branch by democratic means alone.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

While voters and candidates are generally free from overt threats or violence, they remain heavily influenced by tribal affiliations and the state-sponsored patronage networks that accompany them. The Jordanian intelligence service is widely believed to influence the electoral process. Citizens' political participation is also constrained by the fact that many important positions are appointed rather than elected.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women have equal political rights, and female candidates previously won seats beyond the legal quotas set for the parliament and subnational councils, but cultural prejudices remain an obstacle to women's full participation in practice. Four women won off-quota seats on governorate councils in 2017. Women performed well at the municipal and local levels that year, but none won mayoral posts. No women won parliamentary seats beyond the 15-seat quota in the November 2020 poll.

Nine lower-house seats are reserved for Christians, and three are reserved for ethnic Circassians and Chechens together. Christians are not permitted to contest unreserved seats. Citizens of Palestinian origin, who tend to live in urban areas, make up a majority of the overall population but remain politically underrepresented.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The king dominates policymaking and the legislative process. Though the appointed government or groups of 10 or more lawmakers can propose legislation to the House of Representatives—which may approve, reject, or amend bills—every law requires approval from the appointed Senate and the king to become law. Among other royal prerogatives, the king unilaterally appoints the heads of the armed forces, the intelligence service, and the gendarmerie.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The government has undertaken some efforts to combat widespread corruption, and the Integrity and Anti-Corruption Commission (IACC) is tasked with investigating allegations. However, successful prosecutions—particularly of high-ranking officials—are historically rare. Anticorruption efforts are undermined by a lack of genuinely independent enforcement institutions and restrictions on investigative journalism and civil society activism.

In June 2020, the government launched a crackdown targeting businesspeople and politicians suspected of tax evasion, money laundering, and customs evasion, after expanding the IACC's powers. By July, authorities raided 650 firms and were reportedly examining the tax records of 70 individuals. While Jordanians cautiously welcomed the crackdown, observers warned that political opponents were also targeted by the government.

C3. Does the government operate with openness and transparency? 1 / 4

Access-to-information laws are vague, lack procedural detail, and contain sweeping exceptions. Officials are not required to make public declarations of their income and assets. The National Assembly does not exercise effective or independent oversight of the government's budget proposals. Activists and journalists who attempt to investigate state or royal finances are subject to arrest on defamation and other charges.

CIVIL LIBERTIES: 22 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

Jordanian media laws are restrictive, vague, and arbitrarily enforced. Various statutes penalize defamation, criticism of the king or state institutions, harming Jordan's relations with foreign states, blasphemy, and any content considered to lack objectivity. Government gag orders and informal instructions to media outlets regarding news coverage are common, and journalists are routinely arrested for violating such orders. News sites face onerous registration requirements that, if not met, can serve as a justification for blocking. Journalists rarely face serious violence or significant jail time for their work, but they often practice self-censorship.

Journalists faced severe restrictions under COVID-19-related measures. In March 2020, the cabinet halted the publication of all newspapers for two weeks. In April, the government issued a vaguely worded decree prohibiting the dissemination of pandemic-related information that would "cause panic."

The government has restricted media coverage of important political issues in recent years. Immediately after the July 2020 closure of the country's Teachers' Syndicate, the attorney general issued a wide-ranging gag order prohibiting discussion of the subject. In April 2021, a gag order was placed on news about Prince Hamzah and the alleged coup plot against the regime.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the state religion. The government monitors sermons at mosques for political, sectarian, or extremist content and issues prescribed texts and themes. Muslim clerics require government authorization to preach or dispense religious guidance. Many Christian groups are recognized as religious denominations or associations and can worship freely, though they cannot proselytize among Muslims. While converts from Islam are not prosecuted for apostasy, they face bureaucratic obstacles and harassment in practice. Unrecognized religious groups are allowed to practice their faiths but face disadvantages stemming from their lack of legal status. Atheists and agnostics are required to list a religious affiliation on government documents.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Intelligence services reportedly monitor academic events and campus life, and administrators work with state officials to scrutinize scholarly material for politically sensitive content.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Open discussion of topics such as politics, the monarchy, religious affairs, and security issues is inhibited by the threat of punishment under various laws governing expression. The telecommunications law requires companies to enable the tracking of private communications upon the issuance of a court order, and authorities are allowed to order surveillance of people suspected of terrorism. Many Jordanians believe that government agents routinely listen to their phone calls and monitor their online activities.

Under cybercrime legislation, internet users can face fines or prison terms of up to three months if they are convicted of defamation for online comments. Several activists and protesters arrested in 2020 and 2021 were charged with offenses related to social media posts in which they criticized the government.

Prince Hamzah was placed under house arrest in April 2021 under charges of sedition and was not seen publicly until a week later, in the company of Abdullah II. Some believe Hamzah's arrest stemmed from his publicly expressed sympathy for the Jordanian public's hardships, though others claim that evidence exists that he was plotting a coup.

The social media application Clubhouse was shut down in March 2021 in what is widely seen as an attempt to curb free expression. Citizens criticized this restriction on other social media platforms like Facebook and Twitter, where they also threatened to defy the move by downloading Clubhouse onto their smartphones through virtual private networks (VPNs). Restrictions on other social media apps, some permanent, are common.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

Jordanian law limits free assembly. Authorities require prior notification for any demonstration or event and have broad discretion to disperse public gatherings. The Ministry of the Interior has canceled planned public events without advance notice or explanation. Violations of the law on assembly can draw fines and jail time. Security forces are known to engage in violent confrontations with protesters.

The government further restricted the right to assemble in response to the ongoing COVID-19 pandemic, even after other measures were rolled back in June 2020. Several dozen protesters were arrested in an Amman demonstration held several days after the Teachers' Syndicate was closed in late July. Some protesters were physically attacked by

police and others were later pressured to sign pledges promising to refrain from further activity, under penalty of hefty fines.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

While many local and international NGOs can operate in the country, there are significant restrictions on civil society. The Ministry of Social Development has broad supervisory powers over NGO operations, has the authority to deny registration and requests for foreign funding, and can disband organizations it finds objectionable. Board members of NGOs must be vetted by state security officials. In practice, these regulations are applied in an opaque and arbitrary manner.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Workers have the right to form unions, but only in 17 designated industries; no new union has formed since 1976. Groups must obtain government approval and join the country's semiofficial union federation, the General Federation of Jordanian Trade Unions (GFJTU). The right to strike is limited by requirements for advance notice and mediation, and participants in an illegal strike are subject to dismissal.

In 2013, a dozen unofficial trade unions formed the Jordanian Federation of Independent Trade Unions (FITU). Lacking official status, they are not allowed to establish headquarters, collect fees from their members, or engage in collective bargaining. They also face heavy pressure from the GFJTU and governmental bodies to cease their activities and shut down.

The Teachers' Syndicate began the longest public-sector strike in Jordanian history in September 2019, which ended after a deal was struck that October. The union accused the government in July 2020 of reneging on the deal, after which the government ordered a two-year closure of the syndicate, shuttering offices and arresting its 13-member board. Over 250 people were subsequently detained as protests continued. In late December 2020, a court handed one-year prison sentences to five syndicate leaders and ordered the organization's permanent dissolution. In August 2021, the deputy head of the syndicate, some members of the Teachers' Syndicate's council, and about 30 teachers were arrested for continuing protest activities against the government. In November, the country's court of appeals dismissed one of the cases brought against the syndicate, which is awaiting a positive ruling on a second case in order to resume operations.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary's independence is limited. Under 2016 constitutional amendments, the king unilaterally appoints the entire Constitutional Court and the chair of the Judicial Council, which nominates civil court judges and is mostly comprised of senior judiciary members. Judges of both the civil and the Sharia (Islamic law) courts—which handle personal status matters for Muslims—are formally appointed by royal decree. The Ministry of Justice has the power to monitor judges, promote them, and determine their salaries, further weakening the branch's autonomy.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police can hold suspects for up to six months without filing formal charges, and governors are empowered to impose administrative detention for up to one year. In practice, authorities often ignore procedural safeguards against arbitrary arrest and detention, holding individuals incommunicado or beyond legal time limits. Criminal defendants generally lack

access to counsel before trial, impairing their ability to mount a defense. Despite a constitutional prohibition, courts allegedly accept confessions extracted under torture.

In April 2021, King Abdullah II ordered the arrest of a group of former officials and members of the royal family, including the king's half-brother Prince Hamzah, who the king claimed had plotted a coup. Their trials were swift, key witnesses were denied testimony, the evidence presented was weak, and the charges against the men were vague. Many in the group were sentenced to 15 years' imprisonment. Sixteen other high-ranking officials were also arrested but subsequently released.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Torture and other mistreatment in custody are common and rarely draw serious penalties. Prison conditions are generally poor, and inmates reportedly suffer from beatings and other abuse by guards. Terrorist attacks remain a threat to physical security. In November 2019, Jordanian authorities said they had disrupted a plot to attack US and Israeli targets in the country earlier in the year; two suspects who were allegedly inspired by the Islamic State (IS) militant group went on trial that month.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women face discrimination in law and in practice. For example, women's testimony is not equal to men's in Sharia courts, and certain social benefits favor men over women. Discrimination against LGBT+ people is prevalent and includes the threat of violence. Authorities have denied registration to NGOs that support equal rights for LGBT+ people.

Refugees and asylum seekers have not historically received permanent settlement in Jordan, though individuals residing in the country are usually allowed to remain while UN agencies seek their placement in third countries. Refugees often lack access to work permits and work informally. Syrian refugees have at times been forcibly transferred to areas where they are at risk of refoulement, such as the Rubkan camp near the Syrian border; refoulement would place them at further risk of torture, rape, and further physical violence.

The Office of the UN High Commissioner for Refugees (UNHCR) counted 759,745 refugees in Jordan as of mid-December 2021, with 672,599 hailing from Syria. The government, which claims to host nearly double that number, agreed to issue 200,000 work permits in return for a loan-and-investment package in a 2016 compact, and reached the 190,000-permit mark in July 2020. In 2018, it legalized the status of several thousand Syrian refugees living outside of camps, but also prohibited refugees from accessing subsidized health care.

Jordanians of Palestinian origin who are citizens risk the arbitrary revocation of citizenship or documentation and are often excluded from jobs in the public sector and security forces, which are dominated by East Bank tribes.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Jordanians generally enjoy freedom of domestic movement and international travel, though some international flights are restricted due to public health measures intended to prevent the spread of COVID-19. Refugees and migrant workers face impediments to travel and are often unable to change employers. Employers reportedly confiscate migrant workers' passports. Children of Jordanian mothers and non-Jordanian fathers, who lack

citizenship themselves, have difficulty accessing jobs, education, and health care without a special identity card that is difficult to obtain.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The legal framework generally supports property rights for citizens, but women do not have equal access to property under Sharia-based inheritance rules. Private business activity is hampered by obstacles such as corruption and the abuse of political or other connections.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal social freedoms are limited by the country's conservative culture and specific laws. The government does not recognize marriages between Muslim women and non-Muslim men. Matters such as marriage and divorce are handled by religious courts, which place women and converts from Islam at a disadvantage and restrict some interfaith marriages. Women are not allowed to pass citizenship onto their children.

In recent years, the parliament has adopted laws that better regulate the processing of domestic violence complaints and that abolish a penal code provision allowing rapists to avoid punishment by marrying their victims. However, reduced sentences are still possible for those who murder a spouse caught committing adultery, and spousal rape is not a crime.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4 (-1)

Migrant workers, who are the majority of the Jordanian garment industry's workforce, are especially vulnerable to exploitative labor practices. Labor rights organizations have raised concerns about poor working conditions, forced labor, and sexual abuse in Qualifying Industrial Zones, where mostly women and foreign factory workers process goods for export. Rules governing minimum wage, working hours, and safety standards are not well enforced, particularly in certain sectors like agriculture and construction, and among migrant workers. Syrian refugees are particularly vulnerable to exploitation and, as many are without work permits, often work in the informal sector for low wages.

Economic hardships brought on by the COVID-19 pandemic has likely increased the prevalence of child labor dramatically, according to local NGOs. Refugee children are particularly vulnerable and the government and civil society groups, such as UN Relief and Works Agency for Palestine Refugees (UNRWA), have failed or are unable to provide adequate aid.

The number of Jordanians imprisoned for debt, in violation of international human rights law, rose 11-fold between 2015 and 2019, and has remained a challenge since. The weak evidentiary basis required for decisions favor debt collectors, according to a Human Rights Watch report.

Score Change: The score declined from 2 to 1 due to a multiyear rise in problems including debt-related imprisonment, child labor, and the exploitation of Syrian refugees.

Kazakhstan

Population: 19,000,000

Capital: Nur-Sultan

Freedom Status: Not Free

Electoral Democracy: No

Overview: President Nursultan Nazarbayev ruled Kazakhstan from 1990 to 2019, when he stepped down, and still maintains significant influence over governance of the country. Parliamentary and presidential elections are neither free nor fair, and major parties exhibit continued political loyalty to the government. The authorities have consistently marginalized or imprisoned genuine opposition figures. The dominant media outlets are either in state hands or owned by government-friendly businessmen. Freedoms of speech and assembly remain restricted, and corruption is endemic.

KEY DEVELOPMENTS IN 2021

- Legislative elections held in January saw the ruling Nur Otan party take 76 of the 98 elected seats. The elections were not considered free and fair by international election monitors.
- Changes were made to the Law on Elections in May, reducing the threshold for parties to enter parliament from 7 to 5 percent and introducing direct elections for district mayors.
- New legislation, signed by the president in June, increased state control over Kazakhstani legal professionals. Local and international legal associations have criticized the law, saying it jeopardizes lawyers' independence.

POLITICAL RIGHTS: 5 / 40

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

According to the constitution, the president, who holds most executive power, is directly elected for up to two five-year terms. However, former president Nursultan Nazarbayev's special status as Kazakhstan's "first president" exempted him from term limits. In July 2018, Nazarbayev signed a decree making himself chairman of the Security Council for life. The decree gave the Security Council significant constitutional powers, which could allow Nazarbayev to maintain power despite his resignation from the presidency in March 2019, after nearly 30 years in office. Senate chairman Kasym-Zhomart Tokayev was appointed acting president, and then won a five-year term in the June 2019 election with 71 percent of the vote. Amirzhan Kosanov of the Ult Tagdyry party won 16.2 percent and Daniya Yespaeva of Ak Zhol won 5.1 percent. Other candidates earned 7.7 percent of the vote.

The 2019 presidential election was not credible. President Tokayev benefited from the support of the ruling Nur Otan party, state media, and his predecessor, while none of his opponents were considered genuine competitors. Observers from the Organization for Security and Co-operation in Europe (OSCE) noted incidents of ballot box stuffing, the falsification of ballots, and the use of identical voter signatures on election day.

Since his resignation in 2019, Nazarbayev has gradually transitioned power to Tokayev. Nazarbayev stepped down as chairman of the Assembly of the People of Kazakhstan in

April 2021, handing the role to Tokayev, and in November, announced that he would resign his position as leader of Nur Otan. However, the former president still wields significant power in Kazakhstan: at year's end, Nazarbayev remained the head of the Security Council, and continued to be responsible for the appointment of ministers and key officials, with the exception of the foreign, interior, and defense portfolios.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The upper house of the bicameral Parliament is the 49-member Senate, with 34 members chosen by directly elected regional councils and 15 appointed by the president. The senators, who are officially nonpartisan, serve six-year terms, with half of the elected members up for reelection every three years. The lower house, the Mazhilis, has 107 deputies, with 98 elected by proportional representation on party slates and 9 appointed by the Assembly of the People of Kazakhstan, which ostensibly represents the country's various ethnic groups. Members serve five-year terms.

Legislative elections do not meet democratic standards. Irregularities including ballot box stuffing, group and proxy voting, and manipulation of voter lists have been reported, and the ruling party benefits from a blurred distinction between the party and the state. Parliamentary elections were held in January 2021; the results largely replicated those of the previous election in 2016, with Nur Otan taking 76 of the 98 elected seats. Though official data shows Nur Otan winning 71.09 percent of the popular vote, a local nongovernmental organization (NGO) reported that its data showed that the party had actually only won 48.30 percent of the vote. Ak Zhol and the Communist People's Party, which are both considered loyal to the government, secured 12 and 10 seats, respectively. The only genuine opposition party, the National Social Democratic Party (OSDP), boycotted the elections. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observers reported that the election "lacked genuine competition" and "highlighted the need" for political reform.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Kazakhstan's legal framework is not sufficient to ensure free and fair elections, and safeguards that do exist are not properly enforced. Electoral laws make it difficult for opposition parties to obtain parliamentary representation. Parties must clear a vote threshold to enter the Mazhilis, and are barred from forming electoral blocs, preventing them from pooling votes and campaign resources. Presidential candidates must also pass a Kazakh language test with unclear evaluation criteria. Moreover, the Assembly of the People of Kazakhstan is appointed by the president at his discretion, giving the executive branch influence over the nine Mazhilis members chosen by the assembly.

Election laws introduced in 2017 imposed further restrictions on who can become a presidential candidate, requiring at least five years of experience in public service or elected positions and the submission of medical records. The latter rule raised the possibility that candidates could be arbitrarily disqualified for health reasons. These legal changes also banned self-nomination of presidential candidates, effectively excluding independents and requiring a nomination from a registered party or public association.

Amendments to the Law on Elections, passed by the legislature and approved by Tokayev in May 2021, sought to introduce political reform. The amendments include provisions lowering the vote threshold for parties to enter the Mazhilis from 7 to 5 percent, adding an "against all" option to election ballots, and introducing direct elections for local *akims* (mayors) at the district level.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The 2002 Law on Political Parties was revised in 2020, reducing the number of members required to register a party with the Ministry of Justice from 40,000 to 20,000. Critics argue that the measure does not ease the onerous registration process, and officials have broad discretion to delay or deny party registration in practice. The law still prohibits parties based on ethnic origin, religion, or gender.

Opposition parties have been banned or marginalized through laws against extremism; their leaders have faced criminal charges, and their followers in Kazakhstan have had their activities restricted.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Kazakhstan experienced its first peaceful transfer of power through an election in 2019, though it was neither free nor fair. Nazarbayev stood down as president that March, and acting president Tokayev won the election to replace him in June. Only one opposition candidate, Amirzhan Kosanov, earned over 10 percent of the vote.

Opposition parties are similarly locked out of gaining power or influence through legislative elections. The ruling Nur Otan party holds a preponderance of seats in the Mazhilis, and the second- and third-largest parties in the body are considered loyal to Nur Otan.

The opposition party Democratic Choice of Kazakhstan (DVK) remains banned and is considered a terrorist organization by the authorities. Activists associated with the party often receive prison sentences on politically motivated charges. This trend intensified in 2021: throughout the year, many activists were arrested, prosecuted, and sentenced for their ties with the DVK.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

While voters and candidates are not subject to undue influence by the military or foreign powers, the political system is dominated by a small group of elites surrounding Nazarbayev and his family. The country's politics are shaped largely by competition among these elites for resources and positions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The legal ban on parties with an ethnic, religious, or gender focus—combined with the dominance of Nur Otan—limits the ability of women and minority groups to organize independently and advocate for their interests through the political system. Women currently hold 27 percent of the seats in the Mazhilis and less than 19 percent of the seats in the Senate. The Kazakh language test for presidential candidates also presents an obstacle for non-Kazakh ethnic minorities, as well as many Kazakhs.

C. FUNCTIONING OF GOVERNMENT: 1 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Government policies are determined by the executive branch, which is not freely elected, irrespective of the constitutionally defined roles of the executive, judiciary, and

legislature. Parliament does not serve as an effective check on the executive, and instead largely provides formal approval for the government's legislative initiatives.

However, changes to the constitution adopted by Parliament and the president in 2017 shifted some powers from the president to the Mazhilis. The amendments gave Parliament greater influence over the choice of prime minister and cabinet members and the authority to dismiss them. They also limited the president's ability to rule by decree.

President Tokayev has also been forced to share power with former president Nazarbayev, who retained significant influence in the ruling Nur Otan party and continued to hold powerful official positions throughout 2021.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread at all levels of government. Corruption cases are often prosecuted at the local and regional levels, but charges against high-ranking political and business elites are rare, typically emerging only after an individual has fallen out of favor with the leadership. Journalists, activists, and opposition figures are often prosecuted for supposed financial crimes. In August 2021, Kazakhstan's Anti-Corruption Agency reported 921 judicial investigations for corruption had been launched since the beginning of the year, of which 725 were sent to court.

President Tokayev, like his predecessor, has highlighted the importance of tackling corruption. Since the introduction of a new anticorruption law in 2020, civil servants and their families have been banned from receiving gifts, material rewards, or services for their work.

C3. Does the government operate with openness and transparency? 0 / 4

The government and legislature offer little transparency on their decision-making processes, budgetary matters, and other operations. The media and civil society do not have a meaningful opportunity to provide independent commentary and input on pending laws and policies. A law on public access to government information was adopted in 2015, but it is poorly implemented in practice. Officials' asset and income declarations are not publicly available.

CIVIL LIBERTIES: 18 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 0 / 4

Media independence is severely limited in Kazakhstan. While the constitution provides for freedom of the press, most of the media sector is controlled by the state or government-friendly owners, and the government has repeatedly harassed or shut down independent outlets. Self-censorship is common. The authorities also use internet blackouts to restrict access to media outlets.

Journalists are required to confirm the accuracy of information prior to publication by consulting with relevant government bodies or officials, obtain consent for the publication of personal or otherwise confidential information, and acquire accreditation as foreign journalists if they work for foreign outlets. In March 2021, amendments made to the Rules of Accreditation of Journalists introduced a requirement for journalists to work with a "host" when reporting on government events, which critics argue serves to promote censorship in the country.

Defamation was decriminalized in June 2020, but libel remains a criminal offense, and the criminal code prohibits insulting the president and other officials. Journalists critical of the regime often face harassment. Journalists experienced targeted intimidation, including physical attacks, throughout 2021, especially during the runup to the January parliamentary

elections. Several journalists also found themselves subject to criminal prosecution for their work. International media freedom NGOs have condemned the Kazakhstani authorities for pursuing such charges, which activists say is intended to curb dissent.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees freedom of worship, and some religious communities practice without state interference. However, activities by unregistered religious groups are banned, and registered groups are subject to close government supervision. The government has broad authority to outlaw organizations it designates as “extremist.”

The 2011 Law on Religious Activities and Religious Associations prohibited the distribution of religious literature outside places of worship, required the state approval of all religious literature, and prohibited unregistered missionary activity, among other provisions. In December 2021, President Tokayev approved amendments to the religion law, placing further bureaucratic restrictions on holding religious meetings in nonstate registered places of worship.

Local officials continue to harass groups defined as “nontraditional,” including Protestant Christians, Jehovah’s Witnesses, and Muslims who do not adhere to the government-approved version of Islam. According to Forum 18, an NGO that tracks religious freedom in Eurasia, authorities launched 134 prosecutions against individuals and groups for unsanctioned religious activity in 2020, down from 168 in 2019.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom remains constrained by political sensitivities surrounding certain topics, including the former president, his inner circle, and relations with Russia. Self-censorship on such topics is reportedly common among scholars and educators. In 2018, a new law was passed giving universities greater freedom to choose the content of their academic programs.

In May 2021, independent media outlet Radio Free Europe/Radio Liberty (RFE/RL) published an investigation alleging that many of Kazakhstan’s approximately 130 higher education institutions are owned by high-level elites or their family members.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Authorities are known to monitor social media, and users are regularly prosecuted on charges such as inciting social and ethnic hatred, insulting government officials, and promoting separatism or terrorism. The media law that came into force in 2018 also made it impossible for internet users to leave anonymous comments online, further limiting free expression. In May 2021, parody news blogger Temirlan Ensebek was charged with spreading false information for making satirical posts on social media; Ensebek could face up to three years in prison if convicted.

Since 2019, the authorities have stepped up their efforts to surveil and block access to material it deemed inappropriate. Mobile service providers have instructed their customers to install encryption software on mobile phones that would allow security services to intercept data traffic and circumvent email and messaging applications’ encryption. The government claimed the encryption software was required in order to protect citizens from online fraud and hacker attacks. Those who did not install the software faced difficulties in accessing the Internet, particularly social networking sites. In July 2021, journalists working

on the Pegasus Project, an investigation by Amnesty International and several international media rights organizations, reported that spyware had been used to monitor the activity of numerous journalists and activists in Kazakhstan.

In September, the Mazhilis approved a bill that, if passed, would require all foreign social media networks and messaging services to open a local office in Kazakhstan before operating in the country. Critics argue that the law would effectively ban any foreign media company unable to set up an office in Kazakhstan; the bill remained in parliament at year's end.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

Despite constitutional guarantees, the government imposes tight restrictions on freedom of assembly. President Tokayev revised the public assembly law in May 2020 to no longer require groups to obtain permission from state authorities to gather in public. Instead, groups are required to give notification three to seven days in advance and then wait for approval by the local administration. Critics say that the state continues to restrict who can protest and where, as only officially registered groups are allowed to give notification, and gatherings are only allowed in state-approved sites, which are often located far from the center of cities.

Organizers and participants who fall outside of the new law continue to be subject to fines and jail terms. Throughout 2021, the authorities routinely dispersed public meetings and demonstrations organized by members of opposition parties and their supporters, arresting dozens of protesters. In January, opposition protesters in Almaty were surrounded by police and held for nine hours in subzero temperatures. Police refused to allow food and warm clothing to be given to those being detained; several demonstrators were hospitalized with severe frostbite following the incident.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

NGOs continue to operate but face government harassment when they attempt to address politically sensitive issues. There are extensive legal restrictions on the formation and operation of NGOs, including onerous financial rules and harsh penalties for noncompliance. Organizations can incur fines and other punishments for vaguely defined offenses like interfering with government activities or engaging in work outside the scope of their charters.

Civil and human rights activists accused the government of using the COVID-19 state-of-emergency measures as an excuse to crack down on activists and critics, charging them with violating coronavirus restrictions and spreading false information about the pandemic.

In October and November 2020, at least 13 NGOs were charged with breaking the law on the reporting of foreign financial donations. The NGOs claimed the investigations sought to halt their activities in the run-up to the January 2021 parliamentary elections. The charges against the NGOs were dropped in February 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Workers have limited rights to form and join trade unions or participate in collective bargaining. The government is closely affiliated with the largest union federation and major employers, while genuinely independent unions face repressive actions by the authorities. The country's major independent trade union body, the Confederation of Independent Trade Unions (KNPRK), was dissolved in 2017, and key leaders were later sentenced to prison for protesting the group's termination. Subsequent efforts to register

the group have been denied. Kazakhstan's restrictions on union activity gained the attention of the International Labor Organization (ILO), which has repeatedly criticized the country's stance in recent years.

May 2020 revisions to the Law on Trade allowed smaller local trade unions the opportunity to join with larger oblast level organizations, as well as international trade union federations. Though authorities claimed this enhanced the freedom of trade unions, critics claimed the changes were minimal, as independent unions critical of government policy had already been banned. In February 2021, a court in Shymkent suspended the Industrial Trade Union of Fuel and Energy Workers for six months for being in breach of the new regulations. However, despite existing restrictions, a new independent union for construction workers in Nur-Sultan was officially registered by the Ministry of Justice in May.

The number of recorded labor strikes in Kazakhstan rose in 2021; an estimated 50 strikes took place in the first half of the year, involving 1,700 workers. Most of the strikes were held in the oil producing region of Mangystau.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary is effectively subservient to the executive branch, with the president nominating or directly appointing judges based on the recommendation of the Supreme Judicial Council, which is itself appointed by the president. Judges are subject to political influence, and corruption is a problem throughout the judicial system.

In June 2021, Tokayev approved legislation imposing new regulations on lawyers, requiring attorneys to become members of a state chamber and to register with a government-controlled digital information system. Local and international lawyers' associations have criticized the law, saying it imposes undue state control over legal professionals and threatens their independence.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police reportedly engage in arbitrary arrests and detentions and violate detained suspects' right to assistance from a defense lawyer. Prosecutors, as opposed to judges, are empowered to authorize searches and seizures. Defendants are often held in pretrial detention for long periods. Politically motivated prosecutions and prison sentences against activists, journalists, and opposition figures are common. Throughout 2021, dozens of people from across the country held demonstrations in front of government buildings to protest court decisions that they considered to be unjust; however, protest organizers said that the demonstrations "failed to bring any results."

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Conditions in pretrial detention facilities and prisons are harsh. According to reports by RFE/RL, the number of suicides among prisoners has increased in recent years; at least one inmate died by suicide in 2021, and several others deliberately injured themselves in protest of prison conditions.

Police regularly use excessive force during arrests, and torture is widely employed to obtain confessions, with numerous allegations of physical abuse and other mistreatment documented each year. In August, the General Prosecutor's Office allegedly reopened the case of Anatoly Reibant, who died in 2017 after being released from police custody; a police representative later announced that no link could be found between Reibant's death, which was ruled a suicide, and the injuries he sustained while in custody.

Terrorist violence within the country is rare, though some Kazakhstanis have traveled abroad to support the Islamic State (IS) militant group.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

While the constitution guarantees equality before the law and prohibits discrimination based on gender, race, and other categories, it does not explicitly prohibit discrimination based on sexual orientation or gender identity. Major segments of society face discrimination in practice. Traditional cultural biases limit economic and professional opportunities for women, and the law offers no protection against sexual harassment in the workplace. Members of the sizable Russian-speaking minority have complained of discrimination in employment and education.

LGBT+ people continue to face societal discrimination, harassment, and violence, despite the decriminalization of same-sex relations in 1998. Throughout 2021, several events planned by the LGBT+ activist group Feminita were disrupted by “angry mobs” that issued threats against participants. During one such incident in May, Feminita’s cofounders were physically assaulted by a group of men at a private event in Shymkent; when police arrived, they detained the activists for eight hours before forcibly transporting them back to Almaty, where the group is based.

Under pressure from Beijing, the Kazakhstan government at times detains ethnic Kazakhs fleeing neighboring China and threatens them with the prospect of deportation, even though they are subject to discrimination and torture upon return.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Kazakhstani citizens can travel freely but must register their permanent residence with local authorities. New rules that went into effect in 2017 under the pretext of fighting terrorism require citizens to register even temporary residences lasting more than a month with local authorities or face fines. The change increases the ability of the authorities to monitor internal movement and migration, but critics also suggested that it would lead to corruption and create a black market for false registration documents. The government locked down and restricted movement in many of Kazakhstan’s cities, towns, and villages in response to the coronavirus pandemic.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

While the rights of entrepreneurship and private property are formally protected, they are limited in practice by bureaucratic hurdles and the undue influence of politically connected elites, who control large segments of the economy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

NGOs continue to report instances of early and forced marriage, particularly in rural areas. Women are also encouraged to support large families; those who raise at least six children receive a medal from the government, along with tax breaks and modest monthly benefits.

Domestic violence is a serious problem that often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters. The Committee on the

Elimination of Discrimination against Women (CEDAW), a UN body, warned in a 2019 report that domestic violence had been effectively decriminalized. Incidents of domestic violence reportedly increased and intensified during the COVID-19 pandemic.

Kazakhstan consistently reports one of the highest suicide rates in the world. Though suicide rates had declined prior to the COVID-19 pandemic, the number of suicides and attempted suicides in the country rose in 2021: police reported 248 suicide attempts among young people in the first quarter of the year, compared to about 300 attempts recorded in all of 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Migrant workers from neighboring countries often face poor working conditions and a lack of effective legal safeguards against exploitation. Both migrants and Kazakhstani workers from rural areas are vulnerable to trafficking for the purposes of forced labor and prostitution in large cities. According to official government data, more than twice as many trafficking-related offenses were recorded in the first half of 2021 than in the same period in 2020. Some experts claim that official statistics do not fully depict the extent of trafficking in Kazakhstan, which serves as a source, destination, and transit country for human trafficking. The authorities reportedly make little effort to assist foreign victims of trafficking.

Kenya

Population: 54,700,000

Capital: Nairobi

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Kenya holds regular multiparty elections. However, pervasive corruption and brutality by security forces remain serious problems. The country's media and civil society sectors are vibrant, even as journalists and human rights defenders remain vulnerable to restrictive laws and intimidation.

KEY DEVELOPMENTS IN 2021

- In October, President Uhuru Kenyatta lifted a nationwide curfew which had been in place since the beginning of the COVID-19 pandemic. Kenyatta did not lift a ban on public assemblies, however.
 - In May, Parliament approved a bill that would alter some government structures in line with the recommendations of the Building Bridges Initiative (BBI), which was formed by Kenyatta and opposition leader Raila Odinga. Later that month, the High Court ruled against the bill, saying the selected process of introducing constitutional amendments was irregular. In August, the Court of Appeal upheld the ruling.
 - In October 2021, the Pandora Papers, a cache of documents revealing the offshore activities of political leaders and other prominent individuals worldwide, implicated Kenyatta and several relatives in the utilization of offshore entities to shield over \$30 million in assets.
-

POLITICAL RIGHTS: 19 / 40**A. ELECTORAL PROCESS: 6 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4**

The president and deputy president, who can serve up to two five-year terms, are directly elected by majority vote, and are required to win 25 percent of the votes in at least half of Kenya's 47 counties.

President Uhuru Kenyatta was reelected in 2017 in a disputed election, the rerun of which was boycotted by opposition candidate Raila Odinga. Kenyatta won a solid victory in the first election that August, which analysts largely predicted. It was annulled that September by the Supreme Court, which ruled that Independent Electoral and Boundaries Commission's (IEBC) vote-counting procedures had been severely flawed, and that a rerun should be held. The main opposition coalition, the National Super Alliance (NASA), threatened to boycott the rerun unless a number of reforms were implemented at the IEBC. When some of these reforms were not enacted, Odinga boycotted the rerun.

Kenyatta won the rerun with 98.3 percent of the vote. Turnout for the rerun was only 38.8 percent—much lower than the nearly 80 percent turnout that August. Odinga continued to harshly criticize the election process after the second vote, and Kenyatta began his final term facing a legitimacy crisis.

Violence and intimidation marred the elections. IEBC member Chris Msando was murdered days ahead of the August vote, with his body showing signs of torture. In the weeks between the annulled election and the rerun, one IEBC commissioner fled for the United States, prompting the IEBC chairman to assert that the body could not guarantee a free election given the atmosphere of intimidation. Police in Nairobi and Kisumu used excessive force in an attempt to quell sometimes-violent opposition protests. Several dozen people were reportedly killed by police in the capital alone, according to Human Rights Watch (HRW).

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The bicameral Parliament consists of the 349-seat National Assembly and the 67-seat Senate. In the National Assembly, 290 members are directly elected from single-member constituencies. A further 47 special women representatives are elected from the counties, and political parties nominate 12 additional members according to their share of seats won. The Senate has 47 elected members representing the counties, 16 special women representatives nominated by political parties based on the share of seats won, and four nominated members representing youth and people with disabilities. Both houses have speakers who are ex-officio members.

In 2017, Kenyatta's Jubilee Coalition secured majorities in both houses, and stakeholders broadly accepted the results. Irregularities and violations were reported, but they were not systematic and did not harm or benefit any specific party.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The IEBC is mandated with conducting free and fair elections and operates under a robust electoral framework. However, the IEBC faces frequent allegations of favoritism toward the incumbent Jubilee Coalition, and in 2017 its members experienced violence and intimidation severe enough to prompt its chairman to declare that he could not guarantee the integrity of the presidential rerun. After the annulment of the first presidential election in

2017, the National Assembly approved controversial measures mandating that if a candidate withdraws from a rerun election, then the other candidate automatically wins the poll. The amendments additionally limited the Supreme Court's power to annul election results. The measures took effect a few days after the rerun was held.

In 2018, after a public reconciliation, Kenyatta and Odinga formed the Building Bridges Initiative (BBI), which convened a task force that developed recommendations geared toward altering government structures ahead of the 2022 elections, including introducing a prime minister and reducing the size of the cabinet. Some criticized the proposal as a way to allow Kenyatta, who is barred from seeking a third presidential term, to remain in power as prime minister. Parliament approved the BBI bill in May 2021, but the High Court ruled against it later that month, saying the government's method of introducing the constitutional-amendment bill was irregular. In August, the Court of Appeal upheld the ruling, saying that only Parliament or a popular initiative could initiate such changes.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Citizens are free to organize into political parties. Kenyan parties represent a range of ideological, regional, and ethnic interests, but are notoriously weak, and are often amalgamated into coalitions designed only to contest elections. Under the Political Parties Act (PPA), parties that receive at least 5 percent of the votes cast in a national election are eligible for public funds. As of June 2021, there were 73 fully registered parties. The number of registered party members increased from 7.6 million in 2013 to 16.3 million as of June 2021.

Parliament considered amendments to the PPA that would allow political coalitions to register candidates during 2021. Supporters of Deputy President William Ruto criticized the proposal, warning that the amended legislation would effectively force smaller parties to merge with larger ones. The amendments remained under consideration at year's end.

A 2018 rapprochement between Kenyatta and Odinga helped deescalate political tensions somewhat, though little has been done to bring to justice the perpetrators of political violence that took place in the previous years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Opposition parties and candidates are competitive in Kenyan elections, and the 2017 polls saw a high number of incumbents voted out of office. However, Odinga's decision to boycott the rerun election in protest of a lack of IEBC reforms left Kenyatta opponents without a viable candidate to support, effectively guaranteeing Kenyatta's reelection.

Politics have been unstable since 2018, when Kenyatta and Odinga publicly reached a truce in an event popularly known as "the handshake," which some analysts said weakened the foundations of the Jubilee Coalition and the NASA. The Jubilee Coalition has also faced internal rifts in recent years. In March 2021, Deputy President Ruto was dismissed as the Jubilee Coalition's deputy leader by its national management committee, though Kenyatta reportedly intervened to reverse the move. Ruto has been closely affiliated with a new party, the United Democratic Alliance, after it registered in January, though he reportedly remained a Jubilee Coalition member as of year's end. In December, Odinga formally announced his run for president at an event attended by senior Jubilee Coalition members, indicating Kenyatta's support of his candidacy.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

While people's political choices are somewhat free from undue influence by powerful, democratically unaccountable actors, groups such as Mungiki, a Kikuyu-affiliated gang, exert control over daily services such as matatu (minibus) routes in some regions, and may use violence, intimidation, and other extrapolitical means to influence local and national electoral outcomes.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Ethnicity remains the most salient organizing principle in Kenyan politics, and two ethnic groups—the Kikuyu and Kalenjin—have dominated the presidency since independence. The 2010 constitution intended to reduce the role of ethnicity in elections, and fiscal and political devolution, implemented in 2013, has served to generate more intraethnic competition at the county level. Nevertheless, the politicization of ethnicity at the national level still hinders effective representation of different segments of Kenya's diverse population, limits voter choice, and impedes meaningful policy debates.

The stipulation that all voters possess a National Identity Card hinders historically marginalized groups from obtaining greater access to the political process, particularly the nearly seven million pastoralists from the upper Rift Valley and North Eastern Province. There are significant implicit barriers to the participation of non-Christian and LGBT+ people in national politics. Somali Kenyans, especially in Nairobi's Eastleigh community and in the coastal and northeastern parts of the country, have been the target of government crackdowns ostensibly combating the Shabaab militant group, and are underrepresented politically.

C. FUNCTIONING OF GOVERNMENT: 5 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

The ability of elected officials to set and implement policy is undermined by corruption and dysfunction. Although the 2010 constitution reduced the powers of the executive branch and improved the oversight role of Parliament, corruption limits the independence of the legislative branch, and in practice, Parliament is generally subordinate to the president. Prior to its defeat in the courts, Kenyatta, Odinga, and Jubilee Coalition leaders used threats and intimidation to secure support for the BBI among party members, local officials, and judges.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption continues to plague national and county governments in Kenya, and state institutions tasked with combating corruption have been ineffective. The Ethics and Anti-Corruption Commission (EACC) lacks prosecutorial power and has been largely unsuccessful in pursuing corruption cases. The EACC's weakness is compounded by shortcomings at the Office of the Director of Public Prosecutions (ODPP) and within the judiciary.

However, following the 2018 appointment of Noordin Haji as Director of Public Prosecutions, the ODPP stepped up anticorruption investigations, arresting and charging a number of high-profile officials. In September 2021, a judge found former sports minister Hassan Wario guilty of corruption over his conduct surrounding the 2016 Olympics, issuing a \$33,000 fine as an alternative to a six-year prison sentence.

In October 2021, the Pandora Papers implicated Kenyatta and several relatives in the utilization of offshore entities to shield over \$30 million in assets.

C3. Does the government operate with openness and transparency? 2 / 4

Elaborate rules govern public finance in Kenya, but enforcement is often lacking. Parliament's Budget and Appropriations Committee effectively delegates the budget process to the Treasury, and the legislature has demonstrated limited willingness to ensure that the Treasury respects budget-making procedures. When budget information is made available, it is generally released long after the planning stages during which stakeholders could offer input.

Many of the central government's expenditures are not disclosed. At the county level, the availability of financial information generally is insufficient to ensure adequate public participation in local-government budgetary processes.

CIVIL LIBERTIES: 29 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16****D1. Are there free and independent media? 2 / 4**

Kenya has one of the more vibrant media landscapes on the African continent, with journalists actively working to expose government corruption and other wrongdoing. However, several laws restrict press freedom, the government and security forces harass journalists, and incidents are rarely investigated by police. The combination of restrictive laws on press freedom and the potential for harassment and violence leads to self-censorship in some cases.

In 2020, officials threatened those who publish COVID-19-related misinformation with two years' imprisonment and a \$50,000 fine. That September, nongovernmental organization (NGO) Article 19 reported that journalists and bloggers faced arbitrary arrest, harassment, and assault after the pandemic began. In May 2021, police injured a Deutsche Welle journalist while she covered a Nairobi protest against police brutality and COVID-19 measures.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The government generally respects the constitutional guarantee of freedom of religion. However, counterterrorism operations against the Somalia-based Shabaab militant group have left Muslims exposed to state violence and intimidation. Shabaab militants have at times specifically targeted Christians in Kenya.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom in Kenya is traditionally robust. However, student union elections have led to allegations of fraud and violent protests. Police have also used tear-gas on protesting students, including at Maasai Mara University in May 2021 and at the University of Nairobi in July. In addition, there is evidence that ethnic considerations have influenced university hiring, leaving the staff of some institutions with significant ethnic imbalances.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

The relatively unfettered freedom of private discussion in Kenya has suffered somewhat from state counterterrorism operations, intimidation by security forces, and ethnically affiliated gangs. The government has used its broadly defined surveillance powers to monitor mobile phone and internet communications, including by deploying new digital surveillance tools during the pandemic. Still, over 80 percent of Kenyans access social media, and

“Kenyans on Twitter” have their own hashtag, #KOT, demonstrating their influence. Political candidates have increased their use of social media to reach younger voters.

Kenyan internet users are sometimes exposed to disinformation. In September 2021, the Mozilla Foundation reported that an unidentified agency had hired high-profile Twitter users to target activists, journalists, and judges and to promote the BBI.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees the freedom of assembly. However, the law requires organizers of public meetings to notify local police in advance. In practice, police have regularly prohibited gatherings on security or other grounds, and violently dispersed assemblies that they had not explicitly banned.

Public assemblies were also affected by COVID-19 measures. A pandemic-related curfew introduced in March 2020 was in effect for much of 2021, while a ban on public assemblies was introduced in late July due to a rise in cases. President Kenyatta lifted the nationwide curfew in October, but not the ban on assemblies.

In May 2021, police deployed tear-gas against Nairobi protesters opposing Israeli military activity in Gaza. In July, police in Nairobi used tear-gas and fired live ammunition into the air while trying to disperse protesters rallying against police brutality and pandemic-related restrictions. Several protesters were arrested.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Kenya has an active NGO sector, but civil society groups have faced growing obstacles in recent years, including repeated government attempts to deregister hundreds of NGOs for alleged financial violations. The government has still not implemented the Public Benefits Organizations Act, which was passed in 2013 to improve the regulatory framework for NGOs and offer greater freedom for them to operate.

Several environmental activists have been killed in Kenya in recent years. In July 2021, environmental activist Joannah Stutchbury was killed by armed assailants at her home in the outskirts of Nairobi.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The 2010 constitution affirmed the rights of trade unions to establish their own agendas, bargain collectively, and strike. Unions are active in Kenya, with approximately 57 unions representing 2.6 million workers as of 2018. However, labor leaders sometimes experience intimidation, notably in the wake of strike actions.

A number of strikes have taken place in the past several years, including those organized by medical workers and university staff, who faced additional pressures and resource constraints as they dealt with the coronavirus pandemic. Doctors held a strike over pay concerns and a lack of personal protective equipment in December 2020, though most doctors returned to work after several days. In January 2021, 86 doctors who continued to strike were dismissed.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 2 / 4

While judicial procedures are inefficient, the Kenyan judiciary is generally considered to be independent. The August 2021 Court of Appeal ruling on the BBI bill’s constitutionality was widely considered a victory for judicial independence. In December, the High

Court suspended a government directive that would have limited access to public services for individuals unvaccinated against COVID-19.

The government has occasionally refused to comply with court orders and has ignored the recommendations of the Judicial Service Commission (JSC). President Kenyatta refused to appoint 41 judges recommended by the JSC in 2019, citing integrity concerns for some of them. While Kenyatta appointed 34 of them in June 2021, he maintained his opposition against another 6 (1 died after being recommended). While Supreme Court chief justice Martha Koome initially criticized Kenyatta's continued opposition, Koome and the JSC accepted the president's stance in July.

Chief Justice Koome has openly criticized the state of the judiciary during 2021. In June, Koome criticized funding for the judiciary. In September, Koome commented on the effects of judicial corruption, warning that trust in the judicial branch was waning.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are poorly upheld. There remains a significant backlog of court cases. Over 365,000 cases pending for at least five years remained unresolved as of 2017, with few of them being adjudicated in subsequent years.

The police service is thoroughly undermined by corruption, misconduct, and reports of extrajudicial killings. Although Parliament established the Independent Policing Oversight Authority in 2011, the agency's work has secured the conviction of only eight officers through mid-2020. Another six convictions were recorded in 2021, however.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Following their 2019 terrorist attack on the DusitD2 complex in Nairobi, which killed over 20 people, the Shabaab continued to pose a security threat in 2021, with militants threatening to continue their attacks until Kenyan troops withdraw from Somalia. In December 2021, two people in a western Kenyan village were killed by an assailant using an explosive device; authorities suspected the assailant was a Shabaab member.

Severe drought has exacerbated violent conflict in the north and east, with local NGOs calling for a stronger government response to alleviate hunger and reduce the pressures that drive conflict. In September 2021, President Kenyatta deployed security forces to Laikipia County after violent incidents were reported there over a period of several weeks. Some seven people were killed in clashes between armed herders in the weeks before the deployment.

Violence against suspects and detainees by security forces remains a serious concern, and abuses are rarely punished. Extrajudicial killings are more prevalent in low-income areas in Nairobi.

These trends accelerated during the coronavirus pandemic as Kenyan police utilized excessive and sometimes lethal force to impose curfew measures. According to the *Nation Newsplex's* Deadly Force database, police killed 97 people in 2021, a fall from the 2020 figure of 137 deaths. In August 2021, two brothers in Embu County who were detained for violating curfew died in police custody, sparking protests in which police killed another person and renewing calls for police accountability.

On Christmas Day, soldiers attempting to resolve a land dispute in Uasin Gishu County killed at least two civilians after local residents clashed with them.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Consensual same-sex sexual activity is criminalized, with a maximum penalty of 14 years in prison. LGBT+ people face discrimination, abuse, and violent attacks. In September 2021, the Kenya Film Classification Board banned a documentary for allegedly encouraging same-sex marriage.

Reports of police abuses against refugees and asylum seekers continue. Somali Kenyans are often stereotyped as refugees and terrorists—a misconception exacerbated by Shabaab attacks in Kenya since the 2010s—and have been targeted by government crackdowns as a result. Coastal communities have long experienced government underinvestment and political marginalization, resulting in worse educational, health, and economic outcomes in the region.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

While the constitution provides protections for freedom of movement and related rights, they are impeded in practice by security concerns and ethnic tensions that lead many residents to avoid certain parts of the country. The enforcement of COVID-19 lockdown measures was disproportionate and often excessively implemented. In 2021, police erected roadblocks on major roadways to enforce curfews, resulting in traffic delays that impacted essential workers and medical patients. In May 2021, a baby died in route to a Keroka hospital after police refused to let her and her grandfather through a roadblock.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Organized crime continues to threaten legitimate business activity in Kenya. Political corruption and ethnic favoritism also affect the business sector and exacerbate existing imbalances in wealth and access to economic opportunities, including public sector jobs.

Forced evictions without compensation are prevalent in low-income areas, particularly in Nairobi. In October 2021, Nairobi authorities evicted over 40,000 people living in an informal settlement to make way for a highway.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The constitution recognizes marriage as a union between two people of the opposite sex, but otherwise does not place explicit restrictions on social freedoms. Polygamy is legal, and approximately 10 percent of the married population are in polygamous marriages. Rape and domestic violence remain common and are rarely prosecuted. Cases of domestic violence increased during the COVID-19 pandemic; in April 2020, the Public Service Ministry reported that cases of violence against women and girls rose by 36 percent over the previous year. In a September 2021 report, HRW warned that survivors of gender-based violence received insufficient government support.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Kenya remains an unequal society, with wealth generally concentrated in towns and cities. The arid and semiarid north and northeastern parts of the country have particularly high poverty rates.

Refugees and asylum seekers from neighboring countries, particularly children, have been vulnerable to sex trafficking and forced labor in Kenya, though Kenyan children are

also subject to such abuses. Kenyan workers are recruited for employment abroad in sometimes exploitative conditions, particularly in the Middle East.

Kiribati

Population: 100,000

Capital: Tarawa

Freedom Status: Free

Electoral Democracy: Yes

Overview: Kiribati is a multiparty democracy that holds regular elections and has experienced peaceful transfers of power between competing groups. Civil liberties are generally upheld, though outstanding problems include a ban on same-sex sexual activity and some forms of gender discrimination.

KEY DEVELOPMENTS IN 2021

- Authorities imposed COVID-19-related curfews in South Tarawa and Betio in May, after two crewmembers of a fishing vessel tested positive. No coronavirus cases or deaths were reported within Kiribati during the year.
- In November, High Court chief justice William Hastings ruled that the government's treatment of High Court judge David Lambourne was unconstitutional. Lambourne suffered wage losses and delays in repatriation and was forced to sign a contract effectively shortening the length of his term after he was stranded abroad due to COVID-19 restrictions in 2020.
- In February, Tarawa announced that Kiribati would leave the Pacific Islands Forum. Kiribati and four other member states announced their departure due to a disagreement over who the body's next secretary-general should be. The decision to leave will take effect in 2022.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is elected through a nationwide popular vote and may serve up to three four-year terms. Three to four presidential candidates are nominated by the legislature from among its members, and cabinet members must also be members of the legislature. The president can be removed through a no-confidence vote, but this also triggers general elections.

Taneti Maamau of the Tobwaan Kiribati Party (TKP) was reelected president in June 2020, winning decisively over Banuera Berina of the Kiribati Moa Party (KMP) in a free and fair vote. The issue of recognition of the Beijing-based Chinese government versus the government of Taiwan dominated the race, with pro-Beijing Maamau prevailing over pro-Taiwan challenger Berina, who had opposed the government's 2019 move to end diplomatic relations with Taiwan and switch recognition to China.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral House of Assembly (Maneaba ni Maungatabu) has 46 members, 44 of whom are elected through a two-round runoff system from 26 constituencies. An appointed member is selected by representatives of people originally from the island of Banaba (Ocean Island) who now live on Fiji's Rabi Island, having been displaced by phosphate mining during the 20th century. The attorney general holds a seat ex officio.

A free and fair legislative election was held in April 2020. The TKP took the most seats, winning 13. Following the elections, Boutokaan te Koaua (BTK) and the KMP joined to create the new Boutokaan Kiribati Moa (BKM). When the new parliament opened, TKP and BTK—counting their members and respective allies—each held 22 seats. A record four women won parliamentary seats and Tangarik Reete became the first woman parliament speaker.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The constitution and legal framework provide for democratic elections, and balloting is well administered in practice. Losing candidates and parties typically accept the final outcome of elections, and rarely raise accusations of malfeasance.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no constraints on the formation of or competition between political parties. The country's parties are relatively loose alliances that lack formal platforms and are subject to periodic mergers and reconfigurations. Geographic and ancestral ties continue to play an important role in political affiliation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Kiribati has a history of smooth and democratic transfers of power between government and opposition parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

There are no significant constraints on the choices of voters and candidates imposed by forces not democratically accountable. However, a large number of I-Kiribati respondents to a Transparency International (TI) survey released in November 2021 reported receiving bribery offers for their votes.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens enjoy full political rights. However, women's political participation is somewhat inhibited in practice by traditional social norms. The number of women elected to the legislature increased from three to four in 2020. A woman, Tangariki Reete, was also elected speaker for the first time.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The president and cabinet are able to both form and implement their policy agenda without undue interference, while the legislature provides oversight and a check on executive authority. The government's ability to enact policy depends on its ability to win legislative approval.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While there is virtually no large-scale corruption in Kiribati, petty graft and nepotism in public appointments remain problems; 64 percent of I-Kiribati respondents to the 2021 TI survey said they paid a bribe within the last year.

C3. Does the government operate with openness and transparency? 3 / 4

Kiribati lacks comprehensive regulations on public asset disclosure for officials, access to government information, and other transparency matters. In 2017, a former president told lawmakers that he was denied access to basic data on the production of copra, a coconut product, despite multiple requests. Later that year, the president signed a new law, the Kiribati Audit Act, which strengthened the autonomy of the Audit Office and established an independent board to oversee its work. (The office previously reported to the Finance Ministry.) The law also laid out enforcement mechanisms and broadened the Audit Office's mandate, allowing more thorough assessments of budgets, expenditures, and government performance.

The government responded to the fatal 2018 *Butiraoi* ferry disaster with opacity. After receiving public criticism over its failure to release a report on the incident, the government vowed to make the report public after the completion of a police investigation. The report was issued in 2019, but authorities only allowed individuals to read it under strict supervision; the report attributed the disaster to the vessel's poor condition and noted that the crew was regularly inebriated.

CIVIL LIBERTIES: 56 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

While the market does not support a large and diverse media sector, there are no significant restrictions on the flow of news and information, which is often disseminated informally. A small number of private news and media outlets operate freely. Wave TV, which launched in 2019, was reportedly the first to produce content locally. Foreign radio services are available.

Foreign journalists can perform their roles in Kiribati only after receiving a permit. In 2019, a group of Australian journalists was restricted to a Tarawa hotel after they allegedly arrived without the requisite permit. The journalists had visited Kiribati to report on the government's decision to end its recognition of Taiwan.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion. Religious organizations of a certain size are required to register with the government, but there are no penalties for failing to do so. Two islands in the southern part of the archipelago have overwhelmingly Protestant populations and maintain a "one religion" tradition. However, foreign missionaries may operate freely there upon requesting permission from local authorities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The school system is free of political indoctrination, and religious education by various denominations is available in public schools but not mandatory. There are no restrictions on academic freedom in the country, which hosts a campus of the Fiji-based University of the South Pacific as well as a teachers' college and technical training centers.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government does not impose constraints on freedom of speech or the expression of personal views.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected and generally upheld in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

There are no undue constraints on nongovernmental organizations (NGOs). The Kiribati Association of Non-Governmental Organisations (KANGO) serves as an umbrella group for a number of local NGOs, including church-based groups and health associations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to organize unions, strike, and bargain collectively. The Kiribati Trade Union Congress, an affiliate of the International Trade Union Confederation, includes unions and associations representing nurses, teachers, fishermen, and seafarers.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judicial system is modeled on English common law, and the courts are independent in practice. The chief justice is appointed by the president on the advice of the cabinet and the Public Service Commission (PSC); other High Court judges are appointed by the president on the advice of the chief justice and the PSC. Judges cannot be removed unless a special tribunal and the legislature find evidence of misbehavior, or an inability to perform their functions.

Beginning in 2020, the government sought to prevent High Court judge David Lambourne—an Australian who was stranded there due to COVID-19-related travel restrictions—from returning to his post by refusing to issue a work permit, preventing his repatriation to Kiribati, and by declining to pay his wages. Lambourne signed a contract that effectively shortened his appointment but sued the attorney general in August 2021 after Tarawa again halted wage payments. In November, High Court chief justice William Hastings ruled that the government's actions were unconstitutional, instructing the authorities to facilitate Lambourne's return and declaring that he held a life appointment to the court. The attorney general vowed to appeal.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process guarantees are typically respected during arrests, initial detentions, and trials. Detainees have access to lawyers, and defendants are usually granted bail while awaiting trial.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Police brutality is uncommon, and procedures for punishing such abuse are effective. Prison conditions are not considered harsh or inhumane. Kiribati has no army, relying on Australia and New Zealand to provide defense assistance under bilateral agreements. The use of traditional communal justice systems, which can include corporal punishment, is increasingly rare.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women face legal discrimination on some issues as well as societal bias that limits their access to employment in practice. Citizenship laws favor men over women, for example by allowing fathers but not mothers to confer citizenship on children.

Same-sex sexual activity is a criminal offense, though the ban is rarely enforced; discrimination in employment based on sexual orientation is prohibited.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

While there are no significant constraints on internal freedom of movement, the government did impose overnight curfews in South Tarawa and Betio in May 2021, after two crewmembers of a fishing vessel tested positive for COVID-19.

I-Kiribati who were stranded when the coronavirus pandemic spread in 2020 gained access to repatriation flights later that year. Borders otherwise remained largely closed in 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The government operates a system of land registration and generally upholds property rights. Land is owned on either an individual or a kinship basis, and inheritance laws pertaining to land favor sons over daughters. The World Bank has reported some bureaucratic obstacles to private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Same-sex marriage is not permitted. Domestic violence is criminalized but remains a serious and widespread problem. A 2019 survey of domestic violence in South Tarawa found that 38 percent of women had experienced physical or sexual violence by a male partner. Cultural norms deter formal complaints and police interventions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

There are few economic opportunities in Kiribati, with most citizens engaged in subsistence agriculture. Although forced labor and other exploitative working conditions are uncommon, local women and girls are vulnerable to commercial sexual exploitation, often involving the crews of visiting ships.

Under the Occupational Safety and Health Act of 2015, children and adolescents are restricted from professions considered dangerous. The Employment and Industrial Relations Act of 2015 sets the minimum employment age for most work at 14 years and the minimum age for “hazardous” work at 18.

Kiribati is considered among the world's most environmentally vulnerable countries as a result of climate change and associated rising sea levels, which will affect coastal regions. The effects will likely have a detrimental impact on farming, fishing, and people's access to fresh water.

Access to water remains a serious concern for the approximately 300 residents who remain on Banaba. Water was scarce during part of 2021 due to a drought. Residents were again without clean water by November, as desalinization plants installed earlier in the year reportedly did not function correctly.

Kosovo

Population: 1,800,000

Capital: Priština

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Kosovo holds credible and relatively well-administered elections, but its institutions remain weak, and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure, and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary.

KEY DEVELOPMENTS IN 2021

- After winning nearly 50 percent of the vote in February's snap parliamentary elections, the nationalist party Vetëvendosje (Self-Determination) filled 58 of the 120 seats in parliament, and was able to form a government without relying on the support of the country's largest political parties. Parliamentarians voted to elect Albin Kurti as prime minister and Vjosa Osmani as president the following month.
- In June, Kurti met with Serbian president Aleksandar Vučić, beginning a new round of the EU-facilitated Kosovo-Serbia Dialogue—a series of diplomatic meetings intended to normalize relations between the two countries following Kosovo's 2008 declaration of independence. The process stalled again in July, and talks had not resumed by year's end.
- Municipal elections held in October were deemed generally free and fair by local and international election observers despite some flaws, including voter roll irregularities. Most elected positions were won by representatives of the Democratic Party of Kosovo (PDK) and the Democratic League of Kosovo (LDK), both traditionally dominant parties that moved to the opposition after the February snap elections.

POLITICAL RIGHTS: 25 / 40 (+2)

A. ELECTORAL PROCESS: 9 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Kosovo is a parliamentary republic, with the prime minister indirectly elected for a four-year term by a simple majority (61 votes) of the 120-member Assembly).

Snap elections were held in February 2021 after a December 2020 ruling by the Constitutional Court found that the incumbent administration, led by LDK's Avdullah Hoti, had

been illegitimately elected. The 2021 parliamentary elections resulted in landslide win for the nationalist party Vetëvendosje, which received nearly 50 percent of the vote—the largest electoral share in Kosovo’s history.

In March, the Assembly elected Vetëvendosje’s Albin Kurti as prime minister with 67 votes. Kurti, who first served as prime minister between February and June 2020, was elected to the role, despite a January 2021 Supreme Court ruling that declared him ineligible to run for parliament because he had been convicted of a crime less than three years previously.

The president is elected by the Assembly for a five-year term by a two-thirds majority or simple majority if after two rounds, no candidate has received a two-thirds majority. In April 2021, the Assembly elected Vjosa Osmani with a majority of 71 votes in the third round. Osmani is Kosovo’s second woman president.

Score Change: The score improved from 2 to 3 because the newly elected prime minister and president were appointed according to normal procedures following parliamentary elections generally deemed to be competitive and free.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The unicameral Assembly contains 120 seats and members are elected to four-year terms; 100 are directly elected by proportional representation, while 10 seats are reserved for ethnic Serbs and another 10 are reserved for other ethnic communities.

In the 2021 snap parliamentary elections, Vetëvendosje won 58 seats, the LDK won 15 seats, PDK won 25 seats, and the Alliance for the Future of Kosovo (AAK) took 8 seats. The Serb List won 10 seats; other minority parties filled the remaining 10 seats. The election was considered “transparent and competitive” by local and international observers, and did not feature any significant irregularities. In 2021, voter turnout increased to 48.78 percent from 44.6 percent in the 2019 elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Central Election Commission (CEC), which administers elections, is generally transparent and fair. The 2021 local and national elections were well-organized by the CEC, and the results were widely accepted. However, international election observers found that the government has failed to implement effective electoral reforms, as recommended by the European Commission, and the “inconsistent and selective implementation of electoral rules” by the CEC and the courts remains a persistent issue. In October, the Assembly adopted the second phase of the European Reform Agenda (ERA 2) and its Action Plan, which includes provisions for several electoral reforms; the government confirmed its commitment to the reforms at year’s end.

In June, President Osmani dismissed the chairwoman of the CEC and accused her of failing to ensure the CEC’s impartiality and independence; several civil society groups and members of the opposition criticized Osmani’s decision, claiming it was politically motivated.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Many parties compete in Kosovo. However, political parties sometimes face intimidation and harassment that can negatively impact their ability to operate. The Serb List

has been accused of harassing rival parties and creating an environment where voters fear supporting alternatives.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4 (+1)

Opposition parties have a reasonable chance of gaining power through elections. Vetëvendosje, formerly a political movement, transformed into a political party and won the 2019 parliamentary elections, a significant power shift away from mainstream political parties. However, the political old guard was able to help oust the Vetëvendosje government in 2020.

Despite the collapse of the Vetëvendosje government in 2020, the party won more than 50 percent of parliamentary seats in the 2021 snap elections, and was able to form a government without relying on the support of the country's largest political parties.

Candidates competing in Serb areas from parties other than the Serb List frequently encounter intimidation during election campaigns. All 10 parliamentary seats reserved for ethnic Serbs are filled by Serbian List representatives.

Score Change: The score improved from 3 to 4 because the advantages previously enjoyed by established parties proved insufficient to prevent a decisive opposition victory in parliamentary elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Corruption and clientelism often pressure voters' choices during elections. Powerful businesspeople in Kosovo may influence their employees' political choices.

Serbia continues to exert influence on the platform of the Serb List, as well as the political choices of ethnic Serbs generally.

Major political figures in Kosovo, including former president Thaçi and former prime minister Haradinaj, have links to organized crime and high-level corruption, which play powerful roles in politics and have influenced the installation of key leaders.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

While several parliamentary seats are reserved for ethnic Serbs, the population is not fully integrated into the electoral process or Kosovo's institutions. Seven minority groups are officially recognized and politically represented through parliamentary quotas.

Gender quotas are enshrined in the constitution and more than 40 women were elected to the Assembly in the 2021 parliamentary elections, many of whom were elected without the quota. However, women have historically been underrepresented in politics. Though parties are legally required to achieve gender parity in their candidate lists, they often fail to do so.

LGBT+ people are politically marginalized, and their interests are not represented in Kosovar politics.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Kosovo's political system has historically been characterized by its dysfunction and instability. The Kurti government, elected in February 2021, at times struggled to effectively implement its reform-oriented platform throughout the year.

Serbia still maintains influence in northern Kosovo, where Kosovar institutions do not have a strong presence. The Russian, Chinese, and Turkish governments have also exerted influence over government processes in Kosovo in recent years.

Though a new round of the EU-facilitated Kosovo-Serbia Dialogue began in June when Kurti met with Serbian president Aleksandar Vučić, no substantial progress in normalizing Kosovar-Serbian relations was made before the process stalled again in July. Opposition members criticized Kurti's participation in the talks, claiming that he had not adequately involved the Assembly in the process.

State capture is a prominent issue and is often a result of clientelism—the illegal giving of favors to officials from wealthy individuals or groups, should officials pursue the interest of those who reward them.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption and state capture are widespread, and the institutional framework to combat them is weak. The mandates of Kosovo's four main anticorruption bodies overlap, and they have difficulty coordinating their efforts. Authorities have shown little commitment to prosecuting high-level corruption, and when top officials are prosecuted, convictions are rare.

Throughout 2021, the newly elected Kurti government pursued several reforms aimed at combatting corruption and organized crime; the administration committed to establishing new judicial vetting mechanisms and proposed drafting legislation that would enable the government to confiscate “unjustifiably acquired assets.”

C3. Does the government operate with openness and transparency? 2 / 4

The Kurti government made a number of key decisions throughout the year—including some related to the Kosovo-Serbia dialogue process—with limited transparency and without consulting the Assembly, prompting criticism from the opposition and civil society groups.

Despite the adoption of the Law on Access to Public Documents in 2010, which was intended to make government documents available upon request, government institutions frequently deny those requests with little or no justification. Courts have been very slow to respond to complaints from those denied government information due to persistent backlogs in the judicial system.

CIVIL LIBERTIES: 31 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

The constitution guarantees press freedom and a variety of media outlets operate in Kosovo, including the publicly operated Radio Television Kosovo (RTK). However, the government and business interests have exerted undue influence on editorial lines, including at RTK. Journalists report frequent harassment and intimidation; several journalists were attacked in 2021 while reporting in northern Kosovo.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees religious freedom. However, the Law on Freedom of Religion prevents some religious communities from registering as legal entities, a designation that would allow them to more easily buy and rent property, access burial sites, establish bank accounts, and carry out other administrative activities. Tensions between Muslims and Orthodox Christians occasionally flare up, though interreligious relations are generally peaceful.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Kosovo's higher education system is subject to political influence. In July 2019, three universities that were established between 2009 and 2015 lost their accreditation due to the poor quality of their curriculums and administrative failures. PDK officials were involved in establishing these schools, and some held leadership positions at the universities.

In September 2021, the Kurti government abolished tuition fees for students pursuing bachelor's and master's degrees at Kosovo's public universities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are largely free to express their political views without fear of retribution. In recent years, limited space has opened up for discussion on sensitive topics such as ethnic relations and LGBT+ matters.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is generally respected, though demonstrations are occasionally restricted for security reasons.

After a Draft Law on Public Gatherings was posted online for public consultation in October 2021, civil society groups voiced concerns that provisions included in the law would restrict the ability of individuals and groups to exercise their assembly rights. The draft law remained in the Assembly at year's end.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. NGOs occasionally experience pressure to curtail criticism of the government, though many continue to criticize the authorities and have largely been able to engage in advocacy work without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution protects the right to establish and join trade unions, but employers frequently fail to respect collective bargaining rights. It is difficult to form a private sector union because employers often intimidate workers to prevent them from organizing. As a result, few private sector unions exist in Kosovo. Several public sector unions engaged in strikes throughout 2021, demanding that the government approve and implement a new draft law on public sector pay. A previous law on salaries, which would have increased public sector wages, was struck down by a June 2020 Constitutional Court ruling.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

Political interference in the judiciary remains a problem, and widespread judicial corruption negatively impacts the branch's independence. Resource constraints and a lack of qualified judges hinder the performance of the judiciary. In 2021, the Kurti government established a working group to create a judicial vetting mechanism; discussions remained ongoing at year's end.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Prosecutors and courts remain susceptible to political interference and corruption by powerful political and business elites, undermining due process.

Although the law states that defendants should not be detained before trial unless they are likely to flee or tamper with evidence, judges often order suspects to be detained without cause. Lengthy pretrial detentions are common due to judicial inefficiency and resource constraints.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Although the EU brokered an agreement in 2015 between Kosovo and Serbia to disband the Serb Civilna Zastita (Civil Protection) security force in northern Kosovo, there have been reports that the force is still operating illegally. Prison conditions have improved in recent years, but violence and poor medical care remain problems. The police sometimes abuse detainees in custody.

In November 2020, a number of former Kosovo Liberation Army (KLA) members—including former president Thaçi—were charged with war crimes by the Kosovo Specialist Chambers (KSC), a tribunal in The Hague investigating war crimes committed during Kosovo's 1998–99 war for independence. The first trials of KLA fighters began in December 2021; those charged remained in detention at year's end. The KSC is unpopular among Kosovar Albanians, and the government previously attempted to stop its work through efforts to repeal or renegotiate the 2015 law establishing its existence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Kosovo's Roma, Ashkali, and Gorani populations continue to face discrimination in education, employment, and access to social services.

LGBT+ people face social pressure to hide their sexual orientation or gender identity and face obstacles in making legal changes on the latter. The Civil Code of Kosovo excludes same-sex partnerships from legal recognition.

Women experience discrimination in employment, particularly in regard to hiring for high-level positions in government and the private sector. The Law on Gender Equality seeks to ensure that the governing boards of private companies have gender parity, but this has not been widely implemented.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement and residence is somewhat impaired in Kosovo, especially for those living in Serb areas. The government refuses to accept travel documents issued by the Serbian government that show towns in Kosovo as the place of residence, hindering travel for many Serbs. Meanwhile, Serbs living in Kosovo do not benefit from Serbia's visa waiver agreement with the EU, making travel with a Serbian passport relatively difficult for those living in the enclaves. Kosovars have also been hindered from traveling to Bosnia and Herzegovina by the need for visas in recent years.

The government continued to restrict movement and enforce curfews at different times throughout 2021 to prevent the spread of COVID-19.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The legal framework on property rights is poorly outlined, and those rights are inadequately enforced in practice. While the law states that inheritance must be split equally between male and female heirs, strong patriarchal attitudes lead to pressure on women to relinquish their rights to male family members. A number of policies incentivize co-ownership, where couples who wish to register their properties jointly have their municipal taxes and fees waived. However, this has not significantly increased the percentage of properties owned by women. Property reclamation by displaced persons is hindered by threats of violence and resistance to accepting returnees from local communities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a problem, despite the government's five-year strategy that was launched in 2017 to address the issue, and is considered a civil matter unless the victim is physically harmed. When criminal cases are referred, prosecutions and convictions are rare. Rape is illegal, but spousal rape is not addressed by the law. Courts often give convicted rapists sentences that are lighter than the prescribed minimum. A 2020 report by the Kosovo Women's Network (KWN) found that "at least 74 women were killed by their male partners or relatives" between 2017 and 2020.

Same sex marriage is not legally recognized in Kosovo, though LGBT+ activists say that provisions in the constitution implicitly permit same sex marriages. A draft law that would recognize same sex civil unions remained stalled in parliament at the end of 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Equal opportunity is inhibited by persistently high levels of unemployment. Kosovo is a source, transit point, and destination for human trafficking, and corruption within the government enables perpetrators. Children are at particular risk of exploitation by traffickers, who can force them to beg or engage in sex work.

Labor laws intended to protect employees' rights exist, but are frequently violated in practice. Exploitative working conditions are particularly common in the private sector.

Kuwait

Population: 4,500,000

Capital: Kuwait City

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Kuwait is a constitutional emirate ruled by the Sabah family. While the monarchy holds executive power and dominates most state institutions, the elected parliament plays an influential role, often challenging the government. State authorities impose some constraints on civil liberties, including speech and assembly, and the country's large population of non-citizen workers faces particular disadvantages.

KEY DEVELOPMENTS IN 2021

- The cabinet resigned in January and again in November as the government engaged in a standoff with opposition lawmakers who sought to question Prime Minister Sabah al-Khalid al-Sabah over COVID-19 policy and corruption concerns and also sought to secure amnesty for imprisoned and exiled dissidents. Al-Khalid al-Sabah remained prime minister at year's end.
- In November, Sheikh Nawaf al-Ahmad al-Jaber al-Sabah, the emir, pardoned 24 dissidents and shortened the sentences of another 11 who had been accused of storming the parliament in 2011. The list of beneficiaries included prominent opposition leader Musallam al-Barrak, who had been living in exile in Turkey.
- In April, a court ordered the detention of former prime minister Sheikh Jaber al-Mubarak al-Sabah and former cabinet minister Sheikh Khalid al-Jarrah al-Sabah over accusations of financial mismanagement while in office. Al-Mubarak al-Sabah was the first former premier to be detained by the authorities.

POLITICAL RIGHTS: 14 / 40**A. ELECTORAL PROCESS: 3 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The hereditary emir holds extensive executive powers. Sheikh Nawaf al-Ahmad al-Jaber al-Sabah became the new ruler in September 2020, after the death of his 91-year-old half-brother and predecessor, Sheikh Sabah al-Ahmad al-Jaber al-Sabah. He appointed another half-brother, Sheikh Meshaal al-Ahmad al-Jaber al-Sabah, as crown prince. The parliament, which must approve the choice of heir by majority vote, did so unanimously. Sheikh Meshaal briefly served in the emir's stead in November 2021, when the emir temporarily transferred his duties to the crown prince.

The emir chooses the prime minister and appoints cabinet ministers on the prime minister's recommendation. At least one minister must be an elected member of parliament. All prime ministers and most senior ministers have been members of the ruling family. Prime Minister Sabah al-Khalid al-Sabah was appointed in 2019 and was most recently reappointed by the crown prince in November 2021. The cabinet appointed in December included four elected parliamentarians.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The 50-member National Assembly is popularly elected on a formally nonpartisan basis. The 15 royally appointed cabinet ministers sit as additional ex officio members but cannot take part in confidence votes.

The parliament serves terms of up to four years. The emir and the Constitutional Court, which lacks full independence, have the power to dissolve the legislature, and the executive can thereby determine the timing of elections to suit its political priorities. This has occurred several times since 2011, usually when lawmakers clashed with senior ministers from the ruling family. However, the parliament elected in 2016 served its full four-year term.

Elections were held in December 2020, with a reported voter turnout of about 70 percent. As in the 2016 elections, 24 of the successful candidates were broadly aligned with the opposition, including Islamist and liberal blocs. There was also significant turnover;

only 19 of the 43 incumbents who ran won seats. Nine candidates who did not win seats launched an appeal claiming that there were irregularities including vote buying, falsified voter addresses, and failure to check the identities of voters. Alleged vote buying has been a long-standing problem.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are administered by the Interior Ministry rather than an independent institution, and the electoral system lacks transparency, as evidenced by an opaque voter registration process. Elections are nevertheless competitive by regional standards. Corruption in campaigns remain a concern.

The emir has implemented changes to electoral laws in close proximity to elections. In 2012, two months ahead of elections, Sheikh Sabah issued a decree that reduced the number of candidates elected in each district from four to one.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Formal political parties are banned, which significantly constrains political organization, although loose parliamentary blocs exist in practice.

Politicians have some space to criticize the government, but those who have seriously challenged the emir's authority have faced criminal charges. Several opposition figures were imprisoned for their role in the storming of the parliament in 2011 protests against the prime minister. One of them, prominent opposition leader Musallam al-Barrak, was previously imprisoned "insulting the emir" in a speech opposing the 2012 electoral law. Al-Barrak, who was living in exile in Turkey, was pardoned in November; other dissidents received either pardons or commutations of their sentences.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The constitutional system does not allow democratic transfers of power at the executive level. Candidates aligned with the opposition won 24 parliamentary seats in 2020, including 3 members of the local affiliate of the Muslim Brotherhood, an Islamist group that is banned in most other Persian Gulf monarchies.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The hereditary emir and the ruling family frequently interfere in political processes, including through the harassment of political and media figures, and the government impedes the activities of opposition parliamentary blocs. Senior members of the ruling family allegedly provide economic resources to favored politicians and journalists to exert political influence.

In the absence of political parties, major tribes hold their own informal and technically illegal primary elections to unite their members behind certain parliamentary candidates, who then typically use their public office to generate economic benefits for members of their tribe.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The electorate consists of men and women over 21 years of age who have been citizens for at least 20 years and who have a Kuwaiti father. Most members of state security agencies are barred from voting.

Access to citizenship is tightly restricted. About 70 percent of the country's residents are noncitizens, primarily from South Asian and other Arab countries, who have no right to vote even if they are lifelong residents. Naturalization is extremely rare for people born abroad or without a Kuwaiti father, and it is not permitted for non-Muslims. Individuals have had their Kuwaiti citizenship revoked for political reasons.

More than 100,000 residents, known as *bidoon*, are stateless; many *bidoon* claim Kuwaiti nationality and descent, but official processes to verify their eligibility for citizenship are slow, opaque, and largely ineffective. In May 2021, five parliamentarians submitted a proposal to expand socioeconomic rights for *bidoon*.

The Shiite Muslim community makes up about a third of the citizen population but is not well represented in the political system. Shiite candidates won only six seats in both the 2016 and 2020 parliamentary elections.

Women have had the right to vote and run for office since 2005, and some have been elected to the parliament in previous elections. There is only one female member of the parliament elected in 2020. Entrenched societal attitudes hamper more active participation by women in the political process, and their interests are poorly represented in practice. Neither the political groupings nor the tribes generally promote women's participation as candidates.

Societal and legal discrimination against LGBT+ people prevents them from playing any open role in political affairs.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

While some laws initiated by elected members of parliament are adopted and implemented, policymaking authority is concentrated in the hands of the hereditary emir and his appointed government. The emir has repeatedly used his power to dissolve the National Assembly when it imposes checks on the executive. He can also veto legislation and issue executive decrees when the assembly is not in session.

Opposition parliamentarians sought to question Prime Minister al-Khalid al-Sabah over corruption, COVID-19 policy, and other concerns during 2021, which the government resisted. The cabinet resigned in January, citing the relationship between the government and the legislature, and resigned again in November; legislative work has been hindered by the ongoing impasse.

Interactions between the executive and legislature are affected by succession-related rivalries within the ruling family. Powerful members of the family are able to put pressure on rivals in ministerial roles by cultivating parliamentary allies who can question them and scrutinize their performance.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is pervasive. While an Anti-Corruption Authority has operated since 2015, its activities appear insufficient. Allegations of malfeasance lodged by lawmakers against ministers have been at the heart of the country's recurring political crises.

In April 2021, a court ordered that former prime minister Sheikh Jaber al-Mubarak al-Sabah and former minister Sheikh Khalid al-Jarrah al-Sabah be detained over alleged financial mismanagement while in office. Al-Mubarak al-Sabah's detention marked the first time that a former premier was detained by authorities.

C3. Does the government operate with openness and transparency? 2 / 4

Transparency on government spending is inadequate, and there are few mechanisms that encourage officials to disclose information about government operations. Kuwait does not have any legislation guaranteeing the right to access public information. The State Audit Bureau provides some oversight on revenue and expenditures, reporting to both the government and the National Assembly, though not necessarily to the public. Defense spending is particularly opaque, with no detailed breakdown available to the parliament.

CIVIL LIBERTIES: 23 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16****D1. Are there free and independent media? 1 / 4**

Kuwaiti law assigns penalties for the publication of material that insults Islam, criticizes the emir, discloses information considered secret or private, or calls for the regime's overthrow. Journalists also risk imprisonment under the restrictive 2016 Cyber Crimes Law, which criminalizes the dissemination of similar content online.

Thousands of books have been banned in the country for political or moral reasons. In 2020, however, the National Assembly amended the Press and Publication Law of 2006 to abolish an Information Ministry censorship committee; as a result, a judicial order is required to enforce such a ban.

The media regulator, the Commission for Mass Communications and Information Technology, has sweeping powers to monitor, block, and censor online material. The government can seek the revocation of a media outlet's license via the judiciary. Foreign media outlets operate relatively freely in Kuwait.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the state religion, and blasphemy is a punishable offense. Defamation of Islam, Christianity, and Judaism is prohibited. The government appoints Sunni imams and oversees their sermons. Shiite Muslims have their own religious institutions, including Sharia (Islamic law) courts, though the government does not permit training of Shiite clerics in the country. Several Christian churches are officially registered, though no synagogues are. Members of other non-Muslim minority groups are generally permitted to practice their faiths in private but are forbidden from proselytizing.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is impeded by self-censorship on politically sensitive topics, as well as by broader legal restrictions on freedom of expression, including the prohibitions on insulting the emir and defaming religion. The National Union of Kuwaiti Students is not officially registered as a nongovernmental organization (NGO) but is nevertheless considered influential.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Freedom of expression is curtailed by state surveillance and the criminalization of some forms of critical speech, especially if it touches on the emir or the rulers of other Arab countries. The Cyber Crimes Law imposes prison sentences of up to 10 years as well as fines for online speech that criticizes the emir, judicial officials, religious figures, or foreign leaders.

Individuals who criticize the government on social media tend to be harassed by online trolls and bot accounts, some of which may be state sponsored.

Activists and other individuals are sometimes summoned for questioning over their online comments, and some have been prosecuted. Human Rights Watch (HRW) reported that at least five activists were arrested or interrogated by the Interior Ministry in 2020 for their activity on social media. Kuwait has sought the extradition of activist Mesaed al-Mesaileem, who lives in Bosnia and Herzegovina (BiH), over his online activity. BiH's State Court denied al-Mesaileem's request for asylum in September 2021, though he remained there at year's end.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

Freedom of assembly is constrained by law and in practice. Organizers must notify officials of a public meeting or protest, and those who participate in unauthorized protests can be subject to imprisonment or, for noncitizens, deportation. Peaceful protests are sometimes allowed without a permit. In May 2021, the Interior Ministry warned that protests prompted by fighting between militants in the Gaza Strip and Israeli forces required permits. In September, several dozen teachers protested in front of the Education Ministry over COVID-19 vaccination and testing requirements.

Large gatherings were banned in March 2020 in response to the coronavirus pandemic. In October 2021, the government ended gathering restrictions for vaccinated individuals.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The government restricts the registration and licensing of NGOs, forcing many groups to operate without legal standing. Representatives of licensed NGOs must obtain government permission to attend foreign conferences, and critical groups may be subject to harassment. Kuwaiti NGOs were largely absent from the 2020 Universal Periodic Review process at the UN Human Rights Council.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Private-sector workers who are Kuwaiti citizens have the right to join labor unions and bargain collectively and have a limited right to strike. However, labor laws allow for only one national union federation. Noncitizen migrant workers do not enjoy these rights and can face dismissal and deportation for engaging in union or strike activity. In 2019, the Kuwait Trade Union Federation opened an office to provide migrant workers with advice on legal disputes. Civil servants and household workers are also denied union rights; most citizen workers are public employees and do not have the right to strike.

Migrant workers sometimes participate in risky illegal labor actions such as sit-ins and walkouts to protest nonpayment of wages and other abuses.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 1 / 4

Kuwait lacks an independent judiciary. The emir has the final say on judicial appointments, which are proposed by a Supreme Judicial Council that includes senior judges, the attorney general, and the deputy justice minister. The executive branch approves judicial promotions. Judges who are Kuwaiti citizens are appointed for life, while noncitizens receive contracts for up to three years, reflecting a wider tendency to keep noncitizens

employed on precarious short-term contracts. The courts frequently rule in favor of the government in cases related to politics.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Arbitrary arrests and detentions sometimes occur despite legal safeguards. Authorities may detain suspects for four days without charge. However, a group of individuals accused of providing financial support for the Lebanese Shiite militant group Hezbollah were held for weeks without charge after security forces detained them in November 2021. Noncitizens arrested for minor offenses are subject to detention and deportation without due process or access to the courts. The emir retains the right to issue pardons, as he did in November for 24 dissidents.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Kuwait is generally free from armed conflict, no major terrorist attacks have been reported since 2015, and there are relatively low levels of criminal violence. Constitutional protections against torture and other forms of cruel and unusual punishment are not always upheld. Detainees, especially bidoon, continue to experience torture and beatings in custody. Overcrowding and unsanitary conditions are significant problems at prisons and deportation centers.

HRW has reported violations of due process in capital cases. No executions were reported in 2021, though death sentences were issued during the year. In July, a man was sentenced to death for murdering a woman who had refused his marriage proposal.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Despite some legal protections from bias and abuse, women remain underrepresented in the workforce and face unequal treatment in several areas of law and society. Women face public harassment; this is especially true for foreign women in Kuwait. Women account for a majority of university students, but the government enforces gender segregation in educational institutions.

LGBT+ people face societal discrimination, and the penal code prescribes prison sentences for sex between men and “imitating the opposite sex.” In October 2021, Maha al-Mutairi, a transgender woman, received a two-year prison sentence and a 1,000-Kuwaiti-dinar (\$3,300) fine for “imitating the opposite sex” online and violating the telecommunications law.

Officials consider bidoon to be illegal residents, and they lack the protections and benefits associated with citizenship. They often live in poor conditions and have difficulty accessing public services and obtaining formal employment.

Noncitizen migrant workers are excluded from legal protections granted to citizens. During the 2020 COVID-19 lockdown, many migrant workers were left without wages, while most Kuwaiti citizens, who tend to work in the public sector, continued to receive income. Noncitizens were also vaccinated against COVID-19 at a lower rate than citizens. A National Bank of Kuwait report released in September 2021 found that more than 56,000 expatriates left Kuwait in the first half of the year.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Kuwait generally does not constrain citizens' movement, although it did impose COVID-19 travel restrictions and quarantine policies. Migrant workers often face de facto restrictions on travel from their employers. The labor sponsorship system limits migrant workers' freedom to change jobs without permission from their existing employer. Migrant workers have additionally faced stricter COVID-19-related movement restrictions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Kuwaiti law allows citizens and foreign nationals, but not bidoon, to own private property. Although the law permits the establishment of businesses, bureaucratic obstacles sometimes slow the process. Access to opportunity is also affected by nepotism.

Companies are legally prohibited from conducting business with citizens of Israel.

Sharia-based inheritance rules, particularly those pertaining to Sunni families, put women at a disadvantage.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal status laws favor men over women in matters of marriage, divorce, and child custody. For example, Sunni women must have the approval of a male guardian in order to marry, and they are only permitted to seek a divorce when deserted or subjected to domestic violence. Domestic abuse and spousal rape are not specifically prohibited by law, and rapists can avoid punishment if they marry their victims.

Article 153 of the penal code classifies crimes in which a man kills a close female relative whom he has caught in "an unsavory sexual act" as misdemeanors, punishable by at most three years in prison. Such incidents are rare but not entirely unknown; a local civil society campaign seeks to eliminate the penal code provision.

In 2020, the parliament passed Kuwait's first law to combat domestic violence, following years of campaigning by women's rights activists. It provides for shelters, restraining orders, and legal assistance for victims, among other components. However, it does not criminalize domestic violence or cover gender-based violence outside the immediate household.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Foreign household workers and other migrant workers are highly vulnerable to abuse and exploitation, often forced to live and work in poor or dangerous conditions for low pay. Despite some legal protections designed to prevent mistreatment, many employers reportedly confiscate their household workers' passports, subject them to excessive working hours, and restrict their movements outside the home. Recruiting agents are known to hold female migrant workers for ransom, demanding money from their families before they could return home. Other migrant workers have been repatriated by the state labor bureau after being refused payment or otherwise harassed or abused by their employers.

Kyrgyzstan

Population: 6,700,000

Capital: Bishkek

Freedom Status: Not Free

Electoral Democracy: No

Overview: After two revolutions that ousted authoritarian presidents in 2005 and 2010, Kyrgyzstan adopted a parliamentary form of government. Governing coalitions proved unstable, however, and corruption remains pervasive. Unrest surrounding the annulled 2020 parliamentary elections led to significant political upheaval and the violent repression of opponents of nationalist politician Sadyr Japarov. Major constitutional changes adopted in 2021 significantly increased presidential authority, concentrating political power in the presidency and reducing the size and role of parliament. Both the judiciary and vigilante violence are increasingly used to suppress political opponents and civil society critics.

KEY DEVELOPMENTS IN 2021

- Japarov was elected president with 79.2 percent of the vote in January's presidential elections, which were marred by significant irregularities, including the misuse of state resources, and were not considered competitive; a referendum held the same day voted to return Kyrgyzstan to a superpresidential system. Both elections were characterized by historically low voter turnout.
- A new constitution, adopted after an April referendum and ratified in May, significantly curtailed the power of the legislature, removing the office of the prime minister and reducing the number of seats in the parliament from 120 to 90. Parliamentary elections held under the new system in November were marred by a number of procedural irregularities, which resulted in several opposition parties being excluded from the parliament.
- Throughout the year, security services—now dominated by Japarov allies—arrested opposition members and engaged in violent vigilante actions against potential opponents, ranging from politicians to protesters. The newly elected president also enacted a number of laws monitoring both civil society organizations and the media.

POLITICAL RIGHTS: 4 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The constitution, ratified in May 2021, returned Kyrgyzstan to a superpresidential system, in which the president is the chief national authority. The president is directly elected, and can serve up to two five-year terms. The head of government, the chairman of the cabinet of ministers, is appointed by the president, and effectively serves as the president's chief of staff.

Major protests over the administration of the October 2020 parliamentary elections took place in Bishkek the day after the polls were held and turned violent; demonstrators had clashed with police, forcibly freed prisoners held by the State Committee for National Security (GKNB), and set fire to the building housing the parliament and the president's office.

Within two weeks, then president Sooronbay Jeenbekov accepted the parliament's nomination of Sadyr Japarov of the Mekenchil (Patriotic) party—who days before had been freed from GKNB custody while serving a prison sentence for kidnapping—as prime minister. Jeenbekov resigned the following day as Japarov supporters, who had in previous days attacked attendees at other political rallies, threatened to march on his residence.

Parliament speaker Kanat Isayev was next in the line of succession but declined to assume the presidency, after Japarov supporters called for Isayev's resignation and arrest. The parliament formally made Japarov acting president the day after he had publicly declared himself acting in both executive positions. He served until November 2020, when he resigned to qualify for an early presidential election scheduled for January 2021.

Snap presidential elections were held as planned in January 2021; Japarov was elected to the presidency with 79.2 percent of the vote. The election was marked by historically low voter turnout at 39.2 percent and the massive misuse of administrative resources. The Organization for Security and Co-operation in Europe (OSCE) limited observation mission reported that the elections were not competitive, but had been dominated by Japarov, who had benefited from significant advantages, including “disproportionate financial means” and the use of state resources.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The unicameral parliament consisted of 120 deputies elected by party list in a single national constituency to serve five-year terms before the ratification of the new constitution in May 2021. Constitutional changes and an electoral law signed in August 2021 cut the number of seats to 90, with 54 elected by party list and 36 representing single-member districts.

The Central Commission for Elections and Referenda (CEC) originally reported that four parties exceeded the threshold to secure seats in the October 2020 parliamentary elections, three of them affiliated with former president Jeenbekov. Opposition parties refused to accept the results, accusing the victors of vote buying and intimidation; vote-buying evidence was disseminated on social media. Journalists and civil society also accused the victors of misusing administrative resources.

The CEC annulled the results two days after the vote was held, selecting a December date for a rerun; in late October, parliamentarians decided to delay the poll indefinitely. Although the sixth session of the parliament was elected in 2015 and their mandate expired in 2020, parliamentarians voted to extend their own mandates after the October election results were annulled, and the deputies continued to serve through December 2021 with no electoral mandate.

In November 2021, over a year after the 2020 parliamentary election results had been annulled, new polls were held; voter turnout was recorded at 34 percent. Initial results published by the CEC showed several parties clearing the 5 percent threshold required to enter parliament; these results were later withdrawn, and nearly 10 percent of the ballots cast were discarded as spoiled. CEC officials cited technical errors to explain the changes in the vote count, which resulted in the exclusion of four opposition parties from parliament. The parties entering the new parliament are Ata-Jurt Kyrgyzstan with 15 seats, followed by Ishenim with 12; Yntymak, 9; Alyans, 7; Butun Kyrgyzstan, 6; and Yiman Nuru with 5. New elections were scheduled for early 2022 in two single-mandate districts that failed to elect a qualified winner.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Though international observers have deemed Kyrgyzstani electoral laws to be “generally adequate,” such laws are often selectively enforced. The November 2021 elections featured a number of administrative irregularities, including discrepancies in vote tallies; the exclusion of independent journalists from monitoring the polls; and the admission of Talant Mamytov, a close ally of Japarov, to the Yntymak party list despite his failure to comply with electoral rules.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Citizens have the freedom to organize political parties and groupings, especially at the local level. Political parties are primarily vehicles for a handful of strong personalities, rather than mass organizations with clear ideologies and policy platforms.

Parties must pass a threshold to earn parliamentary seats, along with at least 0.5 percent of the vote in each of Kyrgyzstan's nine regional divisions. New legislation approved during the constitutional referendum in 2021 raised the national threshold to 5 percent; electoral amendments passed in 2020 had previously lowered the threshold from 7 percent to 3 percent.

Political parties were impeded by violence in the aftermath of the October 2020 parliamentary elections. Opposition parties excluded from the parliament attempted to collaborate in the formation of a transitional government but supporters of Japarov, acting with groups believed to maintain criminal connections, engaged in a campaign of street violence to intimidate supporters, with security forces failing to intervene.

Throughout 2021, opposition candidates and activists were subjected to a mass targeted wiretapping campaign, which the Interior Ministry defended as a legitimate security measure. In September, a member of Butun Kyrgyzstan was arrested for her "excessive and unfair criticism" of the government, which the Interior Ministry claimed was designed to inflame protest that in turn could lead to a "violent seizure of power."

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

A new constitution ratified in May 2021 reintroduced a superpresidential system while shrinking the size and role of parliament, undoing previous reforms that had been intended to promote political pluralism. The 2021 constitution also introduced the People's Kurultai, an unelected assembly, and granted it broad powers, including the ability to propose policies and legislation. Although opposition parties or individuals may gain power through elections, the new constitution weakens the role of political parties and of the parliament overall, transferring complete executive power—along with some legislative and judicial powers—back to the presidency.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

While largely free from military domination, Kyrgyzstani politics are subject to the influence of organized crime and economic oligarchies. Political affairs are generally controlled by a small group of elites who head competing patronage networks.

Criminal violence and intimidation marred the aftermath of the October 2020 parliamentary elections. Japarov supporters attacked an October 9 rally meant to bolster a potential transitional government, injuring its proposed prime minister and forcing several other politicians to flee. Speaker Isayev was also threatened by Japarov supporters before declining to serve as interim president later that month.

Similar extrapolitical tactics were employed during the November 2021 parliamentary elections. In December, a large group of men attacked elderly opposition leader Omurbek Tekebayev, reportedly telling him that he had been targeted because of his plans to protest the election results.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic minority groups face political marginalization. Politicians from the Kyrgyz majority have used ethnic Uzbeks as scapegoats on various issues in recent years, and minority

populations remain underrepresented in elected offices, even in areas where they form a demographic majority.

Women enjoy equal political rights and have attained some notable leadership positions, but they are also underrepresented, having won only 18 of the 90 seats in the 2021 parliamentary election despite a 30 percent gender quota for party candidate lists. Legislation enacted in 2019 extended the 30 percent gender quota to local municipal councils.

LGBT+ people are not legally excluded from pursuing political opportunities. However, discrimination and violence against pro-LGBT+ civic action groups are common, and typically go unaddressed by law enforcement.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

A new constitution, ratified in May 2021, significantly altered the structure of the government and resolved existing constitutional ambiguities regarding the division of power among the president, the prime minister, and the parliament, which had contributed to the instability of governments in recent years. The 2021 constitution eliminated the office of the prime minister and reduced the powers of the legislature, reintroducing a superpresidential system of government.

After former President Jeenbekov resigned amid protests in October 2020, neither his presidential successors nor their concurrently serving prime ministers were freely selected. A snap presidential election held in January 2021 elected Japarov to the presidency; however, the election was neither free nor fair, featuring significant procedural irregularities and a record low voter turnout. Though the results of the October 2020 parliamentary elections were annulled later that same month, the parliament continued to operate until new elections were held in November 2021—well beyond the expiration of its democratic mandate.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive in politics and government. Political elites use government resources to reward clients—including organized crime figures—and punish opponents. An anticorruption office within the GKNB was formed in 2012, but has primarily been used by incumbent presidents to target their political enemies in the parliament and municipal governments.

Throughout 2021, a wide range of former officials, business leaders, and organized crime leaders were detained repeatedly on corruption charges. Critics have described this “catch-and-release” pattern of arrests as both a political tool and a way for the government to generate revenue.

C3. Does the government operate with openness and transparency? 0 / 4

Kyrgyzstani access-to-information laws are considered relatively strong, but implementation is poor in practice. Similarly, although public officials are obliged to disclose information on their personal finances, powerful figures are rarely held accountable for noncompliance or investigated for unexplained wealth. Oversight of public contracts is inadequate; corruption scandals in recent years have often centered on procurement deals or sales of state assets.

Kyrgyzstani officials were not transparent in disclosing COVID-19 infections or deaths; in January 2021, a government inquiry found that official data had been manipulated and pandemic-related deaths had been significantly underreported.

Government decisions were made, and key posts were claimed, in an opaque fashion in the aftermath of the annulled October 2020 elections. Japarov notably claimed the powers of the presidency immediately after Jeenbekov's resignation but before the parliament appointed him to the role. Meanwhile, the parliament eschewed a mandatory public comment period when deciding to amend the electoral code that month.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

Southern Kyrgyzstan has yet to fully recover from the ethnic upheaval of 2010, which included numerous documented instances of government involvement or connivance in violence against ethnic Uzbeks in the region, with the aim of tipping the political and economic balance in favor of the Kyrgyz elite. Many Uzbek homes and businesses were destroyed or seized. While intimidation has continued and little has been done to reverse the outcomes of the violence, some steps have been taken to restore Uzbek-language media in the region, and fears of further unrest have eased over time.

CIVIL LIBERTIES: 23 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

The media landscape is relatively diverse but divided along ethnic lines, and prosecutions for inciting ethnic hatred have tended to focus on minority writers despite the prevalence of openly racist and antisemitic articles in Kyrgyz-language media. A 2014 law criminalized the publication of "false information relating to a crime or offense" in the media, which international monitors saw as a contradiction of the country's 2011 decriminalization of defamation. The law assigns penalties of up to three years in prison, or five years if the claim serves the interests of organized crime or is linked to the fabrication of evidence.

Journalists and bloggers covering major events, including ongoing corruption cases, the COVID-19 response, and elections have regularly faced intimidation, detention, physical attack, and interference as they conducted their work. In April 2021, at least four journalists were detained by police, including two who had been attacked while monitoring polling stations.

The parliament passed new legislation on "false information" in July, under the direct guidance of Japarov and in violation of parliamentary procedure. The controversial law grants an unspecified government body the power to order service providers to block information deemed "false" by authorities and to create a database of those associated with online activity—including alleged defamation—that officials have flagged. Human rights activists claim that the legislation provides for legal censorship outside the courts.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

All religious organizations must register with the authorities, a process that is often cumbersome and arbitrary. Groups outside the traditional Muslim and Orthodox Christian mainstream reportedly have difficulty obtaining registration, and the 2009 Law on Religion deems all unregistered groups illegal. Organizations such as the Jehovah's Witnesses often face police harassment. The government also monitors and restricts some Islamic groups, including the nonviolent Islamist movement Hizb ut-Tahrir and Yakyn Inkarn, which practices strict asceticism.

Some unregistered religious communities have nevertheless been able to practice their faiths without state intervention, and authorities have investigated and punished relatively rare acts of violence against religious figures or minorities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government does not formally restrict academic freedom, though teachers and students have reportedly faced pressure to participate in political campaigns and voting.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally free in the country, and prosecutions of individuals for the expression of personal views on social media are rare. However, state and local authorities regularly raid homes where they believe members of banned groups like Hizb ut-Tahrir or certain religious minorities, such as Jehovah's Witnesses, meet to discuss their beliefs.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4

A 2012 law allows peaceful assembly, and small protests and civil disobedience actions, such as blocking roads, take place regularly. Nevertheless, domestic and international watchdogs have voiced concerns over violations of assembly rights, including arrests and other forms of interference. Far-right groups and criminal organizations are also known to intimidate and attack demonstrators.

Protests held after the October 2020 elections were marred by violence. Over 600 people were injured in clashes within two days of the poll, and one person was reportedly killed. The building housing the parliament and president's office was damaged.

Japarov supporters attacked and intimidated protesters and opposition groups after the annulled elections, notably disrupting a rally held to support a potential anti-Japarov transitional government. Ata-Meken parliamentary candidate Tilek Toktogazyev was seriously injured during the rally, while a car carrying former president Atambayev, who was freed from GKNB custody earlier that month and attended the rally, was shot at.

Throughout 2021, protesters were frequently subjected to violent assaults and arbitrary detention. In April, a group of "national-patriots" violently attacked a demonstration against gender-based violence as police looked on; the group accused the protesters of offending traditional Kyrgyzstani values. A five-year "moral development plan" to promote traditional values was passed by the Japarov government in July; the plan was criticized by human rights activists who fear it will be used to justify violence and discrimination against minority groups.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

NGOs are active in civic and political life. However, human rights workers, including those who support ethnic Uzbek victims, LGBT+ people, and women's groups, face threats, harassment, and physical attacks. Ultranationalists have harassed US and European NGOs as well as domestic counterparts that are perceived to be favored by foreign governments and donors.

In June 2021, amid growing anti-Western sentiment within the country, Japarov signed a law imposing onerous financial reporting requirements on any civil society organizations that accept funding from abroad. Proponents of the legislation claim it protects

against foreign interference, including the imposition of “Western ideology” and “LGBT+ propaganda.” Human rights groups fear the law will be used to prevent independent NGOs from operating freely.

Score Change: The score declined from 2 to 1 because the government enacted a new law requiring NGOs to abide by burdensome financial reporting requirements or risk closure.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Kyrgyzstani law provides for the formation of trade unions, which are generally able to operate without obstruction. However, parliamentarians have considered legislative amendments that would limit their ability to organize and would force them to affiliate with the Federation of Trade Unions of Kyrgyzstan (FTUK), which would serve as the country’s only national union. Japarov vetoed the amendments three times in 2021, returning the legislation to parliament for further review; the draft amendments remained under consideration at year’s end.

Strikes are prohibited in many sectors. Legal enforcement of union rights is weak, and employers do not always respect collective-bargaining agreements.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is dominated by the executive branch. Corruption among judges is widespread. In 2019, the GKNB announced corruption charges against seven judges, including three sitting Supreme Court justices; the judges were accused of issuing rulings that favored organized criminal groups.

The judiciary provided little resistance to the opaque and procedurally questionable installation of Japarov as prime minister and president. The Supreme Court refused to consider a CEC appeal over the parliament’s decision to delay a rerun election and the Constitutional Chamber ruled the parliament’s decision to extend its own term constitutional.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Defendants’ rights, including the presumption of innocence, are not always respected, and evidence allegedly obtained through torture is regularly accepted in courts.

Due process was not consistently upheld for high-profile prisoners released from GKNB custody in 2020. While Japarov’s convictions were overturned after his release, former president Atambayev, who received a corruption-related prison sentence in June and was released along with Japarov, was rearrested on charges of inciting unrest in October. Other politicians who escaped the GKNB during the protests were also sent back into custody.

In May 2021, the Japarov government seized the Kumtor gold mine from the Canada-based firm Centerra Gold. The mine accounts for around 12.5 percent of Kyrgyzstan’s GDP. Though Kyrgyzstan and Centerra Gold reportedly entered arbitration proceedings in September, no agreement had been announced by year’s end.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

There are credible reports of torture during arrest and interrogation, in addition to physical abuse in prisons. Most such reports do not lead to investigations and convictions.

Uzbek human rights activist Azimjan Askarov, who was accused of organizing riots after acts of violence were perpetrated against ethnic Uzbeks in southern Kyrgyzstan in 2010, died of pneumonia while in custody in 2020. Askarov, who was tortured in detention,

remained imprisoned despite his deteriorating health and repeated calls for his release. Meanwhile, few perpetrators of the 2010 violence have been brought to justice.

In April 2021, at least 34 people were killed during a border skirmish near the Vorukh exclave of Tajikistan grew into the most serious fighting between Kyrgyzstani and Tajikistani troops and border forces in recent years. Destruction of homes and property in both Kyrgyz and Tajik majority villages led to popular mobilization of ad-hoc citizen self-defense groups and intense ethnic tensions. The dispute between Tajikistan and Kyrgyzstan had not been resolved by the end of the year.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Legal bans on gender discrimination in the workplace are not effectively enforced. Traditional biases also put women at a disadvantage regarding education and access to services. Ethnic minorities—particularly Uzbeks, who make up nearly half of the population of the city of Osh—continue to face discrimination on economic, security, and other matters. Uzbeks are often targeted for harassment, arrest, and mistreatment by law enforcement agencies based on dubious terrorism or extremism charges. Same-sex sexual activity is not illegal, but discrimination against and abuse of LGBT+ people at the hands of police are pervasive. Ultranationalist groups have also engaged in intimidation of LGBT+ and feminist activists.

In June 2019, the government announced its intention to repatriate Kyrgyzstanis in Iraqi and Syrian territory previously controlled by the Islamic State militant group. In March 2021, the government returned 79 children born to Kyrgyzstanis in Iraq to their relatives in Kyrgyzstan; several hundred Kyrgyzstani women and children remain in detention camps in Syria.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The government generally respects the right of unrestricted travel to and from Kyrgyzstan, though journalists and human rights activists sometimes face bans and other obstacles. Barriers to internal migration include a requirement that citizens obtain permits to work and settle in particular areas of the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The misuse of personal connections, corruption, and organized crime impair private business activity. The ethnic violence of 2010 has affected property rights in the south, as many businesses, mainly owned by ethnic Uzbeks, were destroyed or seized.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Cultural constraints and inaction by law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. Legislation enacted in 2017 aimed to broaden the definition of domestic abuse and improve both victim assistance and responses from law enforcement bodies, but the law is weakly enforced.

The practice of bride abduction persists despite the strengthening of legal penalties in 2013, and few perpetrators are prosecuted.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The government does not actively enforce workplace health and safety standards. Child labor is restricted by law but reportedly occurs, particularly in the agricultural sector. The trafficking of women and girls into forced prostitution abroad is a serious problem. Police have been accused of complicity in the trafficking and exploitation of sex trafficking victims, and reportedly accept bribes from traffickers. Kyrgyzstani men are especially vulnerable to trafficking for forced labor abroad.

Laos

Population: 7,500,000

Capital: Vientiane

Freedom Status: Not Free

Electoral Democracy: No

Overview: Laos is a one-party state in which the ruling Lao People's Revolutionary Party (LPRP) dominates all aspects of politics and harshly restricts civil liberties. There is no organized opposition or independent civil society. News coverage of the country is limited by the remoteness of some areas, repression of domestic media, and the regime's opaque nature. Economic development has led to a rising tide of disputes over land and environmental issues and growing debt to China. In recent years, a wide-ranging anticorruption campaign has had some positive impact, though official corruption persists.

KEY DEVELOPMENTS IN 2021

- In January, an LPRP party congress named former prime minister Thongloun Sisoulth secretary-general. In March, Thongloun was named state president by the National Assembly—whose members are neither freely nor fairly elected—while former vice president Phankham Viphavanh was named prime minister.
- The LPRP won 158 of the National Assembly's 164 seats in elections held in February. The remaining seats were won by independent candidates vetted by the LPRP.
- The first COVID-19-related death in the country was reported in May, and cases rose beginning in July. Some 110,000 cases and 360 deaths were reported to the World Health Organization (WHO) by year's end.

POLITICAL RIGHTS: 2 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Laos is a one-party communist state and the LPRP's 61-member Central Committee, under the leadership of the 11-member Politburo, makes all major decisions. The LPRP vets all candidates for election to the National Assembly, whose members elect the president and prime minister.

In an opaque January 2021 party congress, former prime minister Thongloun Sisoulth was named LPRP secretary-general. In March, Thongloun was named state president by the National Assembly, while former vice president Phankham Viphavanh was named prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

National Assembly elections are held every five years, but are not free or fair, and international observers are not permitted to monitor them. The LPRP won 158 of the body's 164 seats in the February 2021 elections, with the remainder going to carefully vetted independents.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral laws and framework are designed to ensure that the LPRP, the only legal party, dominates every election and controls the political system.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

The constitution makes the LPRP the sole legal political party and grants it a leading role at all levels of government.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Although the LPRP is the only legal party, National Assembly candidates are not required to be members. However, all candidates must be approved by National Assembly-appointed committees, effectively barring genuine independents from contesting elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Laos's authoritarian one-party system excludes the public from any genuine and autonomous political participation.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The right to vote and run for office are constitutionally guaranteed, but due to the one-party system, no portion of the population may exercise full political rights and electoral opportunities. Nominal representatives of ethnic minorities hold positions in the Politburo, Central Committee, and National Assembly, but they are limited in their ability to advocate for policies that benefit their communities.

Women's interests are not addressed in the political system and women are poorly represented in the legislature; female candidates won 22 percent of the National Assembly's seats in the February 2021 elections, a decrease from the 27.5 percent figure attained in the 2016 polls.

C. FUNCTIONING OF GOVERNMENT: 2 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

None of the country's nominally elected officials are chosen through free and fair contests, and major policy decisions are reserved for the LPRP and particularly a small cadre of top officials. The Central Committee and Politburo are the country's effective legislators as opposed to the National Assembly. In recent years, the government has more frequently

passed laws, rather than decrees, to govern, though the representatives approving these bills do not represent the electorate.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption by government officials is widespread. Laws aimed at curbing graft are poorly enforced, and government regulation of virtually every facet of life provides many opportunities for bribery and fraud.

Thongloun initiated an anticorruption drive while serving as prime minister. The State Audit Organization, which gained the power to conduct financial and budget investigations during his premiership, uncovered instances of misappropriated state funds and unreported expenditures. Thongloun also took steps to address illegal or environmentally harmful extraction industries that have been conduits for corrupt activity, though his actions were largely unsuccessful.

Phankham, Thongloun's successor as prime minister, vowed to combat official corruption after taking office. National Assembly members have also criticized corruption and bribery in various sessions, though official corruption apparently remains common. Punishments, which can include "reeducation," are reportedly not issued through the judicial system but within the ruling party. In December 2021, Radio Free Asia (RFA) reported that eight state employees were disciplined and two were expelled from the LPRP after state inspectors discovered that investment projects in Bokeo Province were affected by embezzlement.

C3. Does the government operate with openness and transparency? 1 / 4

There is no access to information law in Laos. However, the 2012 Law on Making Legislation increased legislative transparency by requiring bills proposed at the central and provincial levels to be published for comment for 60 days and, once passed, to be posted for 15 days before coming into force.

Authorities have withheld information about a 2018 dam collapse which resulted in 43 deaths. A 2019 report that blamed the collapse on substandard construction was never fully made public. Laos continues to plan new dams on the Mekong River, despite the 2018 collapse.

CIVIL LIBERTIES: 11 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 0 / 4**

Authorities use legal restrictions and intimidation tactics against state critics, and as a result, self-censorship is widespread. The state owns nearly all media, though some independent outlets, primarily entertainment magazines that steer clear of political commentary, have emerged in recent years.

In 2019, the government required news outlets that disseminate material through social media to register themselves, threatening fines and prison sentences for noncompliance; the Information Ministry claimed the move was meant to arrest the spread of "fake news."

In July 2021, police in Savannakhet Province held and questioned musician Syphone Vongchinda, who performs as Ther Una and has recorded material criticizing official corruption. Ther Una was released later that month.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom is constitutionally guaranteed but is constrained in practice, in part through the LPRP's control of clergy training and supervision of Buddhist temples. There have been multiple cases in recent years of Christians being briefly detained or sentenced to jail for unauthorized religious activities, including planning funerals, or being pressured by authorities to renounce their faith. In April 2021, the government released a Christian pastor who had been detained for a year for "disrupting unity."

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

University professors cannot teach or write about politically sensitive topics, though Laos has invited select foreign academics to teach courses in the country.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Security agencies and LPRP-backed mass organizations monitor for public dissent, which is punishable under a variety of laws. As a result, there is little space for open and free private discussion of sensitive issues. The government attempts to monitor social media usage for content and images that portray Laos negatively. In April 2021, President Thongloun made a speech calling for stricter social media controls. In May, the government formed a task force to monitor social networks.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

Although protected in the constitution, the government severely restricts freedom of assembly. Protests are rare, and those deemed to be participating in unsanctioned gatherings can receive lengthy prison sentences. The government occasionally allows demonstrations that pose little threat to the LPRP.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Alongside LPRP-affiliated mass organizations, there are some domestic nongovernmental welfare and professional groups, but they are prohibited from pursuing political agendas. Registration and regulatory mechanisms for nongovernmental organizations (NGOs) are onerous and allow for arbitrary state interference. A harsh decree on associations, which came into force in 2017, mandates that NGOs secure government approval for their initiatives and funding.

Human rights and prodemocracy activists are also at risk of unexplained disappearances. In 2019, Laotian prodemocracy activist Od Sayavong disappeared in Bangkok, where he resided. His whereabouts were unknown at the end of 2021. That same year, Phetphouthon Philachane, a Laotian citizen who demonstrated in front of the Laotian embassy in Bangkok, disappeared after returning to Laos.

Multiple Thai dissidents have disappeared, or turned up dead, in Laos and neighboring states in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Most unions belong to the official Lao Federation of Trade Unions. Strikes are not expressly prohibited, but workers rarely stage walkouts. Collective bargaining is legally permitted, but rarely exercised by workers, as workers who try to engage in collective bargaining are usually punished.

F. RULE OF LAW: 2 / 16**F1. Is there an independent judiciary? 0 / 4**

Laotian courts are wracked by corruption and subject to LPRP influence. Major decisions are often made secretly.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process rights are outlined but are routinely denied. Defendants are often presumed guilty, and long procedural delays in the judicial system are common. Appeals processes are often nonexistent or delayed, sometimes indefinitely. Warrantless searches and arbitrary arrests also occur. Villages are encouraged to settle noncriminal disputes, such as land disputes, in local mediation units, which are outside the formal judicial system and often result in unfair decisions against villagers.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Security forces often illegally detain suspects. Prison conditions are substandard, with reports of inadequate food and medical facilities.

Antigovernment groups have reportedly attacked border checkpoints and transportation hubs over the last two decades. In March 2021, antigovernment fighters reportedly fought troops in Xaysomboun Province; one fighter was reportedly killed.

Members of the Hmong ethnic group face violence at the hands of the military and other government authorities. In March 2021, a Hmong man was reportedly killed by soldiers while searching for food.

Prisoners are also subject to torture: A group of villagers from Xékong Province, who were detained after their 2017 protest, were reportedly tortured while in detention. In April 2021, the UN's special rapporteur on human rights defenders called for their release, stating that they had been denied a fair trial.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Equal rights are constitutionally guaranteed but are not upheld in practice. Discrimination against members of ethnic minority tribes is common. The Hmong, who fielded a guerrilla army allied with US forces during the Vietnam War, are particularly distrusted by the government and face harsh treatment.

While same-sex relations are legal and violence against LGBT+ people is rare, no legislation provides explicit protection against discrimination based on sexual preference or gender identity. Laotians have participated in modest events celebrating the LGBT+ community.

Gender-based discrimination and violence are widespread. Discriminatory norms and religious practices have contributed to women's limited access to education, employment opportunities, and worker benefits.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The dominance of the LPRP over most aspects of society can effectively restrict individuals' ability to choose their place of residence, employment, or education. Freedom of movement is sometimes restricted for ethnic Hmong. Security checkpoints in central Laos can hamper travel, though the military has in recent years reduced controls there.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

All land is owned by the state, though citizens have rights to use it. However, land rights have become a source of public discontent in recent years. Construction began on a high-speed rail line from China through Laos in 2016, resulting in large-scale displacement. The rail line was inaugurated in December 2021.

Villagers who live on or near the sites of planned dams are often forced to leave their homes and fields. In January 2021, residents of Luang Namtha Province who were displaced for a dam construction project reported that they received new homes but not land for agricultural purposes. In June, hundreds of people were forced to move for a coal-plant expansion project in northwestern Laos. In July, RFA reported that growing numbers of Laotian farmers were transitioning from agriculture to work in urban areas due to displacement.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Social freedoms can be restricted, especially for women and children. A 2016 survey supported by the UN and the WHO revealed that nearly a third of women in Laos had experienced domestic violence. Abortion is illegal and only permitted when the mother's life is at risk. Underage marriage is permitted with parental permission.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Trafficking in persons, especially to Thailand, is common, and enforcement of anti-trafficking measures is hindered by a lack of transparency and weak rule of law. The US State Department's *Trafficking in Persons Report 2021* notes that the Laotian government was working to combat human trafficking, though survivors were sometimes accused of prostitution by the authorities. The report calls the government's efforts to identify Laotian and foreign survivors insufficient. The lack of jobs in Laos due to COVID-19 has prompted greater trafficking of women to China.

Children as young as 12 years old may be legally employed in Laos. Workplace inspections, including those for industries considered hazardous, are legally required but do not take place regularly.

Latvia

Population: 1,900,000

Capital: Riga

Freedom Status: Free

Electoral Democracy: Yes

Overview: Latvia is a multiparty democracy whose elections are regarded as free and fair. Civil liberties are generally respected in law and in practice. However, corruption remains a major problem affecting politics, the judiciary, and the wider criminal justice system. The country's ethnic Russian population faces disadvantages in matters such as education and employment.

KEY DEVELOPMENTS IN 2021

- In August, authorities declared a state of emergency after a growing number of migrants and asylum seekers from Iraq, Afghanistan, and elsewhere attempted to cross the Belarusian border into Latvia. The government subsequently authorized the use of militarized “push-back” measures, preventing legitimate refugees and asylum seekers with incomplete paperwork from entering the country. Around 450 people, mostly from Iraq, were detained that month, and over 3,800 people were prevented from crossing by the end of the year.
- In February, authorities banned retransmission of Russian Rossiya RTR television channel for a year for incitement of hatred, violence, and provocation of military conflict. A day later, 16 other Russian television channels were sanctioned, as they had not been granted permission for retransmission in Latvia.

POLITICAL RIGHTS: 37 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The Saeima (parliament) elects the president, who may serve up to two four-year terms. The prime minister, who holds most executive authority, is nominated by the president and approved by the parliament. Both Prime Minister Krišjānis Kariņš and President Egils Levits came to power in 2019 in an orderly and fair manner.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution provides for a unicameral, 100-seat Saeima, whose members are elected to four-year terms under a proportional system from five multi-member districts. Electoral lists need to receive at least 5 percent of all votes cast to enter the Saeima.

The 2018 parliamentary elections were viewed as competitive and credible, and stakeholders accepted the results. All three previously governing parties recorded significant losses, producing a highly fragmented parliament. Seven electoral alliances won representation, and newly founded movements took 45 seats. After lengthy negotiations, a broad coalition of five conservative, liberal, and populist parties and alliances was formed in 2019 under the leadership of Kariņš of center-right New Unity.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

In general, the electoral framework is implemented fairly. Local elections held in June 2021 were conducted competently, and were the first elections held after the reorganization of the administrative-territorial system in 2020, which reduced the number of municipalities from 119 to 42. Voting in two municipalities was postponed until September, and voting in Riga did not occur because an emergency election had been held in 2020.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Latvia's political parties organize and compete freely, and elections often result in representation for newly founded parties or coalitions. However, candidates cannot run as

independents (including in municipalities), and those who belonged to communist or pro-Soviet organizations after 1991 may not hold public office.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has experienced numerous peaceful transfers of power between rival parties, and opposition parties typically have a strong presence in the Saeima and in local governments. However, center-left Harmony and predecessor parties that were mostly supported by Latvia's Russian-speaking population have never been invited to participate in forming a government.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Politically connected businesspeople historically exercised undue influence in the country, using patronage networks, corruption, and other opaque means to infringe on the autonomy of voters and candidates. However, the 2018 election defeat of the Union of Greens and Farmers (ZZS)—whose most prominent politician has long faced corruption allegations—and subsequent efforts by the new government to combat graft and money laundering have apparently reduced the improper influence of such figures.

Authorities and other observers continue to express concern about the presence of Russian government disinformation and propaganda in Latvian media, among other attempts by Moscow to influence domestic politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

More than 200,000 of Latvia's registered residents are stateless—most of them are ethnic Russians—without the right to vote, hold public office, work in government offices, or establish political parties.

Though women have made gains in political participation, they only hold 31 percent of seats in the Saeima. LGBT+ people are poorly represented in Latvian politics, and parties have been reluctant to address their interests. In 2018, two openly LGBT+ people were elected to Parliament: Foreign Minister Edgars Rinkēvičs and lawmaker Marija Golubeva, who became the interior minister after a cabinet reshuffle in June 2021.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The country's elected leadership can set and implement government policies without improper interference from foreign or unelected entities, and the politically diverse legislature provides a meaningful check on executive authority.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Latvian anticorruption and auditing bodies have historically been subject to politicization attempts, funding shortfalls, and a dearth of qualified personnel. However, the Corruption Prevention and Combating Bureau (KNAB) has recently expanded its activities, and saw a change of leadership via an open competition organized for the first time in 2020. The new general prosecutor—appointed by Parliament on the recommendations of a Justice Council—stepped up efforts to deal with cases of corruption and abuse of public duties.

Several high-profile figures were convicted of corruption in 2021. In February, prominent ZZS politician Aivars Lembergs—the former mayor of Ventspils and one of the richest people in the country—was sentenced to five years in prison. Former prime minister Andris Šķēle and former transport minister Ainars Šlesers were also indicted.

C3. Does the government operate with openness and transparency? 3 / 4

The legislative framework features extensive provisions intended to ensure government transparency. However, there is a notable lack of transparency in the functioning of state-owned companies and in public procurement processes.

CIVIL LIBERTIES: 51 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

While Latvian media outlets publicize a wide range of political views in both Latvian and Russian, the ownership of both traditional and digital media outlets are highly concentrated. Editorial autonomy of private media is vulnerable to business interests, as well as to political meddling in certain cases. Public media are largely financed by annual allocations of the state budget, which can lead to improper influence. The National Electronic Mass Media Council (NEPLP), the country's media regulator, is formed by the parliament and perceived to be occasionally influenced by politicians. Libel remains a criminal offense.

Authorities have occasionally restricted access to Russian radio and news websites, citing concerns about propaganda. Lagging media literacy, the spread of hate speech, and an increase in online attacks against journalists are growing concerns.

In February 2021, the NEPLP banned retransmission of Russian Rossiya RTR television channel for a year for incitement of hatred, violence, and provocation of military conflict. A day later, it also sanctioned 16 other Russian television channels because it was unclear whether permission had been granted for their retransmission in Latvia.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is generally respected. However, Latvia's small Muslim population has faced some social pressure since a 2015 refugee crisis.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

While academic freedom is largely upheld, lawmakers have begun to place some limitations on instruction in recent years.

Authorities in 2018 endeavored to discourage or eliminate the use of minority languages in schools and universities, and the measures were generally viewed as targeting Russian-language instruction. After a Constitutional Court ruling, the Saeima amended the legislation in April 2021 to allow university-level instruction in other official European Union (EU) languages.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are few restrictions on personal expression or private discussion. However, legal constraints include a ban on the public display of Soviet or Nazi symbols as well as prohibitions on incitement to ethnic hatred and denial of historical crimes.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is protected by law and generally respected in practice. The government restricted public gatherings as a public health measure to mitigate the spread of COVID-19 in 2020 and 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

The government does not restrict the activities of nongovernmental organizations (NGOs). However, advocacy by NGOs is often viewed as partisan activity.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may establish trade unions, strike, and engage in collective bargaining, and antiunion discrimination is prohibited. In practice, the share of workers covered by collective-bargaining agreements has declined over time and covered around 27 percent of the workforce in 2018, according to the Organisation for Economic Co-operation and Development (OECD). A 2019 law imposed fines on employers that refuse to negotiate a collective agreement, among other potential violations.

F. RULE OF LAW: 11 / 16 (-1)**F1. Is there an independent judiciary? 3 / 4**

While judicial independence is generally respected, inefficiency, politicization, and corruption within the judicial system persist.

Legislation that took effect in 2020 increased transparency and the judiciary's role in the selection of both new judges and the country's prosecutor general, with candidates applying through an open competition. However, institutions within the judiciary continue to function with limited resources.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The legal framework provides safeguards against arbitrary arrest and guarantees for fair trial procedures. In general, the efficiency of the court system has been improving and the duration of civil, commercial, and administrative cases in court corresponds to or is shorter than the EU average. However, the court system has been hampered by corruption and inefficiency, and defendants with adequate resources have exploited these weaknesses to delay or obstruct prosecutions.

Criminal suspects are sometimes interrogated without the presence of a lawyer, and lengthy or unnecessary pretrial detention remains a concern.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Latvians are generally free from major threats to physical security, though the country has comparatively high levels of violent crime by EU standards. Latvia also has one of the EU's higher prison population rates. Some prison facilities reportedly suffer from poor physical conditions and episodes of violence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (-1)

The constitution guarantees equality before the law and the protection of human rights without discrimination, and several safeguards are specified in law. However, state

language policies discriminate against ethnic minority groups in education, employment, and access to services.

The COVID-19 pandemic has further marginalized the Russian-speaking population, which has lower vaccination rates than the overall population. The government chose not to create vaccination campaigns in any foreign language, including Russian, and simultaneously restricted unvaccinated people from entering public spaces.

Women continue to suffer from a gender-based pay gap in practice, and Roma in Latvia face discrimination in schools and workplaces. Discrimination in employment based on sexual orientation is prohibited, but the law does not provide broader protection against discrimination for LGBT+ people.

In August 2021, authorities declared a state of emergency after a growing number of migrants and asylum seekers from Iraq, Afghanistan, and elsewhere attempted to enter Latvia from Belarus. The government subsequently authorized the use of militarized “push-back” measures, preventing many legitimate refugees and asylum seekers with incomplete paperwork from entering the country. Around 450 people who crossed the border, many of whom were from Iraq, were detained that month, and over 3,800 people were prevented from crossing into Latvia through the end of 2021.

Score Change: The score declined from 3 to 2 due to authorities’ militarized pushback against and lack of asylum procedures for migrants attempting to enter the country from Belarus.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Citizens and noncitizens may travel freely within the country and internationally. Movement restrictions imposed during the COVID-19 pandemic were generally seen as legitimate public health measures.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal and regulatory framework supports an environment in which property rights are respected and people may freely operate businesses, though corruption can impede business activities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual freedom regarding personal status matters such as marriage and divorce is generally upheld, but a constitutional ban on same-sex marriage was adopted in 2005. While lawmakers have repeatedly declined to recognize same-sex partnerships, the Constitutional Court ruled in favor of parental leave for same-sex couples. In April 2021, it also ruled inheritance taxation laws should treat same-sex and opposite-sex partners in families equally.

Laws on domestic violence encompass various forms of abuse and provide for protection orders and criminal charges. However, police do not always take meaningful action when cases are reported. Latvia had not ratified the Council of Europe’s Istanbul Convention on violence against women as of 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Legal protections against exploitative working conditions are generally upheld, though enforcement is uneven in the large informal sector of the economy. Informal workers are

more vulnerable to labor abuses and recruitment into criminal enterprises. According to Eurostat, 26 percent of Latvia's population was at risk of social exclusion or poverty as of 2020.

The US State Department's 2021 *Trafficking in Persons* report found that Latvians are subject to trafficking for sexual exploitation, domestic servitude, and forced labor abroad, while a growing number of foreign migrant workers in Latvia are exposed to labor exploitation.

Lebanon

Population: 6,800,000

Capital: Beirut

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Lebanon's political system ensures representation for its officially recognized religious communities, but limits competition and impedes the rise of cross-communal or civic parties. While residents enjoy some civil liberties and media pluralism, they also suffer from pervasive corruption and major weaknesses in the rule of law. The country's large population of noncitizens, including refugees and migrant workers, remain subject to legal constraints and societal attitudes that severely restrict their access to employment, freedom of movement, and other fundamental rights.

KEY DEVELOPMENTS IN 2021

- In January, security forces clashed with demonstrators in Tripoli as they protested the extension of COVID-19-related restrictions on movement, which had exacerbated the country's ongoing economic collapse. Further protests related to the economic situation occurred later in the year.
- Prime minister-designate Saad Hariri resigned in July after failing to organize a government despite nine months of negotiations and citing differences with President Michel Aoun. A new government headed by Najib Mikati was installed in September, ending a 13-month stalemate since the last government collapsed in 2020, though ongoing disagreements prevented cabinet meetings from mid-October through the end of the year.
- In October, an armed confrontation in Beirut between supporters of the Shiite factions Hezbollah and the Amal Movement on the one hand and the Christian faction Lebanese Forces on the other left seven people dead and at least 32 others injured. The Shiite groups had been protesting a judicial investigation into the devastating August 2020 chemical explosion at the port of Beirut, for which several former officials faced charges.

POLITICAL RIGHTS: 13 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president, who is elected to a six-year term by the parliament, appoints the prime minister after consulting with the parliament. The president and prime minister choose the

cabinet, which holds most formal executive power. According to long-standing agreements on sectarian power-sharing, the president must be a Maronite Christian, the prime minister must be a Sunni Muslim, and the speaker of parliament must be a Shiite Muslim.

In 2016, after a two-year vacancy, lawmakers elected former military commander Michel Aoun as president. While the move eased the country's broader political deadlock, the parliament at the time had been operating with an expired electoral mandate for three years, undermining the democratic legitimacy of the presidential election.

For much of 2021, Lebanon's political leaders struggled to form a government in the wake of Prime Minister Hassan Diab's resignation in August 2020, in the wake of the chemical explosion at the port of Beirut. Prime minister-designate Saad Hariri withdrew in July after nine months of inconclusive negotiations, citing differences with the president. Aoun then asked Najib Mikati—who had served as prime minister twice before, most recently in 2011–14—to form a new government, which took office in September.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Members of the 128-seat National Assembly are elected for four-year terms. The most recent elections were held in 2018, after a five-year delay; the parliament elected in 2009 had repeatedly extended its own term, citing the need for electoral reforms as well as security concerns related to the civil war in Syria.

In the 2018 elections, the Shiite militant group Hezbollah and its allies, including Christian factions linked to President Aoun, made gains overall, leaving them with a clear majority of seats. The Hezbollah-led bloc's chief rival, Hariri's Sunni-led Future Movement, lost more than a third of its seats, though its main Christian partners performed well, nearly doubling their representation. While the elections were conducted peacefully and were free and fair in many respects, vote buying was rampant, and the electoral framework retained a number of fundamental structural flaws associated with the sectarian political system. Turnout was less than 50 percent nationally and even lower in several contested districts.

In December 2021, the interior minister and the president signed a decree scheduling the next parliamentary elections for May 2022.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Lebanon does not have an independent electoral commission; instead, the Interior Ministry oversees elections. Parliamentary seats are divided among major sects under a constitutional formula that does not reflect their current demographic weight. While seat allocations have been adjusted through political agreements to resolve major impasses over the years, there has been no official census in Lebanon since the 1930s, prior to independence. The electoral framework is inclusive and supports pluralism, but it is the product of bargaining among established leaders and tends to entrench the existing sectarian and communalist political system.

The 2017 electoral law introduced proportional representation and preferential voting, and improved opportunities for diaspora voting. However, the rules for redistricting and seat allocation still favored incumbent parties. The law sharply raised registration fees for candidates as well as spending caps for campaigns, while allowing private organizations and foundations to promote coalitions and candidates, effectively increasing the advantages of wealthier groups and individuals. As under past electoral laws, members of the military and citizens who had been naturalized for less than 10 years could not participate.

The final months of 2021 featured disagreements over the timing of the next parliamentary elections and the role of diaspora voters. A parliamentary majority sought to hold the balloting in March 2022 rather than May, so as to avoid campaigning during Ramadan, but the president ultimately rejected the change. The Lebanese diaspora, which registered in large numbers, would be able to vote for all 128 seats; a leading Christian party had appealed to the Constitutional Council to limit diaspora voting to six dedicated seats, but the council did not reach consensus on the appeal, leaving the existing rule in place.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Citizens are formally free to organize in different political groupings, and scores of parties compete in practice. While parties do rise and fall based on their performance and voters' preferences, most of Lebanon's political parties are vehicles for an established set of communal leaders who benefit from patronage networks, greater access to financing, and other advantages of incumbency.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The elites who dominate Lebanese politics include traditional leaders, military veterans, former militia leaders, and wealthy businessmen. Under the country's power-sharing system, none of the parties they control consistently behave as opposition groups. Consolidation of power among political elites also hampers intraparty competition.

Despite the new electoral system introduced in 2017, the political parties and alliances that prevailed before the reform have maintained their positions. They not only benefited from advantages under laws they shaped, but also used intimidation, social pressure, and propaganda to marginalize new political forces.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

A variety of forces that are not democratically accountable—including entrenched patronage networks, religious institutions, armed nonstate actors such as Hezbollah, and competing foreign powers—use a combination of financial incentives and intimidation to exert influence on Lebanese voters and political figures. The 2018 elections featured credible allegations of corruption, widespread vote buying, and analyses pointing to the role of establishment parties' patronage networks in mobilizing or incentivizing voters.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Lebanon officially recognizes 18 religious communities, and the political system ensures that nearly all of these groups are represented, though not according to their actual shares of the population. Individuals who are not, or do not wish to be, affiliated with the recognized groups are effectively excluded. Moreover, the country's large refugee population, including residents of Palestinian refugee camps and Syrians who fled their country's civil war, are not eligible to acquire citizenship and have no political rights.

Women formally have the same political rights as men. In practice, women remain marginalized due to religious restrictions, institutionalized inequality, hidden legal obstacles, political culture, and societal discrimination. Neither the 2017 electoral law nor informal

understandings regarding power-sharing include rules to guarantee women's participation in politics. Few women serve in the parliament as a result, though more female candidates participated in the 2018 elections than in previous contests: 111 women registered, with 86 ultimately running as candidates. Only six women were elected.

LGBT+ people have little political representation. However, more politicians have expressed support for their rights in recent years; nearly 100 parliamentary candidates in 2018 publicly called for the decriminalization of same-sex sexual relations.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

When the government is able to develop policies, they tend to be the result of negotiation among the country's dominant political figures, regardless of formal titles and positions; meanwhile, the legislature generally facilitates these policies rather than serving as an independent institutional check on the government. The authority of the government is also limited in practice by the power of autonomous militant groups like Hezbollah and foreign states with interests in Lebanon.

The overdue elections of a president, parliament, parliament speaker, and prime minister between 2016 and 2019 eased the country's years-long political deadlock. However, since Saad Hariri resigned as prime minister in late 2019, the system has been unstable. After Prime Minister Diab resigned in August 2020, he and his cabinet served only as caretakers, lacking the power in law and in practice to govern effectively. In July 2021, nine months after he was assigned to form a new government, Hariri stepped down as prime minister-designate, having failed to accomplish his task. The new prime minister-designate, Najib Mikati, successfully formed a government in September, but continued disagreement among the political factions prevented the cabinet from meeting after mid-October, and the impasse remained unresolved at year's end.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is endemic. Political and bureaucratic corruption is widespread, businesses routinely pay bribes and cultivate ties with politicians to win contracts or avoid unfavorable state actions, anticorruption laws are loosely enforced, and patronage networks generally operate unchecked. State expenditures remain irregular, with few mechanisms for effective oversight. Institutions such as the Central Inspection Bureau and Supreme Disciplinary Board are woefully underfunded and understaffed. When anticorruption institutions do take action, it tends to be selective or politicized. Chronic corruption has affected state-owned companies and utilities, contributing to poor service delivery and routine electricity blackouts. In 2021 these were exacerbated by fuel shortages linked to the broader economic crisis, and the lack of power affected vital services like the supply and treatment of drinking water.

C3. Does the government operate with openness and transparency? 0 / 4

Political leaders and government officials often operate behind closed doors, outside of state institutions, and with little regard for formal procedures. Although civil society groups have some ability to influence pending policies or legislation, and may along with the media discuss proposals that have been made public, their influence is often contingent on participation in opaque processes. The National Assembly approved an access to information law in 2017, but it is not fully implemented, and government documents remain difficult to obtain in practice.

In the aftermath of the Beirut port explosion in August 2020, the state responded in opaque and arbitrary ways, withholding information and employing special emergency powers intermittently or selectively. The justice minister, through a nontransparent process, appointed a judge to lead an investigation of the explosion, which was caused by dangerous chemicals that had been left for years in a port warehouse. In December 2020 the judge charged Diab and three former cabinet ministers with criminal negligence; leading political figures denounced the decision, and some officials refused to cooperate with the probe. Attempts to obstruct the investigation continued during 2021. The judge was replaced in February, and political disagreement over the matter contributed to the Mikati's government's dysfunction late in the year, but the probe continued at year's end.

Since 2019, the country has been suffering through one of the worst economic crises in world history, with a precipitous currency collapse underscoring concerns about transparency at the central bank and accountability for years of mismanagement that led to the crisis.

CIVIL LIBERTIES: 29 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (-1)

D1. Are there free and independent media? 2 / 4

Press freedom is constitutionally guaranteed but inconsistently upheld. While the country's media are among the most open and diverse in the region, nearly all outlets depend on the patronage of political parties, wealthy individuals, or foreign powers, and consequently practice some degree of self-censorship. Books, movies, plays, and other artistic works are subject to censorship, especially when the content involves politics, religion, sex, or Israel, and the artists responsible for work deemed controversial by the government or major religious groups face official interference. It is a criminal offense to criticize or defame the president or security services. Authorities sometimes use such laws to harass and detain journalists, and those detained are often forced to sign pledges to refrain from writing content viewed as defamatory by the government.

Authorities have failed to protect the media from violence or intimidation by members of political, religious, and other influential groups. Both security forces and supporters of political parties have attacked reporters covering protests, and several journalists have experienced harassment and threats of violence online.

Despite the legal and practical obstacles they face, many journalists have been able to report and comment on sensitive topics such as state corruption, elite malfeasance, and the behavior of armed factions like Hezbollah. However, the financial viability of their work has been threatened by the economic collapse. Prominent media outlets have shut down as a result of the deteriorating situation, including the *Daily Star*, Lebanon's oldest English-language daily newspaper, which closed at the end of October 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution protects freedom of conscience, and the state does not typically interfere with the practice or expression of religious faith or nonbelief. While blasphemy is a criminal offense, enforcement varies and is generally lax. Individuals may face societal pressure to express faith or allegiance to a confessional community. Leaders and members of different communities discourage proselytizing by other groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally unimpaired. Individuals are mostly free to select subjects for research and disseminate their findings. However, various laws and customary standards—including restrictions on defamation, blasphemy, and work or opinions related to Israel—limit debate on certain issues. The state does not engage in extensive political indoctrination through education, though religious and other nonstate entities do seek to reinforce communal identities and perspectives.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (-1)

Private discussion and public expression of personal views on political and other controversial topics have been increasingly inhibited in recent years. Repressive laws that criminalize defamation or otherwise restrict speech remain on the books, and individuals sometimes face police questioning, arrests, short detentions, or fines if they criticize the government, the military, foreign heads of state, or other powerful entities. Noncitizens, including refugees and migrant workers, have fewer legal protections and may be especially reluctant to engage in speech that could draw the attention of the security services.

Lebanese authorities often use cameras to record people in public places, and regularly monitor social media and electronic communications—including those of prominent individuals such as politicians, dissidents, and journalists. Security personnel have reportedly infiltrated the social media groups of activists and protesters in recent years.

Authorities also fail to protect people from nonstate actors, such as political parties or militant groups and their supporters, that may monitor and punish them for expressing critical opinions. Since the outbreak of mass protests against corruption and governance failures in 2019, journalists, activists, and outspoken social media users have increasingly faced physical attacks and online threats or harassment by such powerful groups. Mariam Seifeddine, a journalist who has been critical of Hezbollah and other elements of the political elite, has reported multiple threats and physical assaults directed at her and her family members, including during 2021. In the year's most high-profile attack, columnist and commentator Lokman Slim, also a well-known critic of Hezbollah who had reported death threats, was murdered in February. Such apparent reprisals help to deter free expression by less prominent individuals in Lebanese society.

Score Change: The score declined from 3 to 2 due to a multiyear escalation in threats and violence against critics of powerful political and militant groups.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

The authorities generally respect the right to assemble, which is protected under the constitution, and people routinely gather without permits or coordination with security services in practice. Demonstrators have been able to mount protests against government dysfunction and lack of services in recent years, but the events have often featured violence by authorities, political parties, militia groups, and civilian participants.

For example, in January 2021, security forces clashed with demonstrators in Tripoli as they protested the extension of COVID-19-related restrictions on movement, resulting in a number of injuries and the death of at least one demonstrator. Arrested participants allegedly faced abuse in custody and charges in military courts. In August, police again fought with demonstrators as they demanded accountability for the Beirut port explosion a year earlier. Supporters of various political parties also beat protesters or attacked their encampments during the year. In October, a Hezbollah-led protest demanding the removal of the judge

leading the investigation of the port explosion degenerated into an armed clash between Hezbollah and the Amal Movement on the one hand and the Lebanese Forces faction on the other. The confrontation left seven people dead and at least 32 others injured. In November, protesters blocked highways and intersections in major cities to protest the government's mismanagement of the worsening economic crisis.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) tend to operate freely in Lebanon, though they must comply with the Law on Associations—which has been modified but not comprehensively overhauled since its enactment in 1909—and other applicable laws relating to labor, finance, and immigration. NGOs must also register with the Interior Ministry, which may oblige them to undergo an approval process and can investigate a group's founders, officers, and staff. NGOs sometimes face bureaucratic obstruction or intimidation by security services, depending on their line of work or particular initiatives. Groups that focus on Syria-related matters or are led and staffed by Syrian refugees are especially prone to scrutiny and interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Individuals may establish, join, and leave trade unions and other professional organizations. However, the Labor Ministry has broad authority over the formation of unions, union elections, and the administrative dissolution of unions. The state regulates collective bargaining and strikes. Public employees, agricultural workers, and household workers are not protected by the labor code and have no legal right to organize, though they have formed unrecognized representative organizations. While noncitizen legal residents may join unions under the law, migrant workers have fewer union rights, and large numbers of refugees lack legal status or the right to work.

Many unions are linked to established political parties and serve as tools of influence for political leaders. However, activists affiliated with the 2019 protest movement have successfully challenged incumbent forces in recent elections within some unions and professional associations.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Lebanon's judiciary is not independent. Political leaders exercise significant influence over judicial appointments, jurisdiction, processes, and decisions, which are also affected by corruption and the undue influence of other prominent people.

Hezbollah and its political allies have repeatedly sought to replace the judge leading the investigation into the 2020 Beirut port explosion. Former officials implicated in the case secured a February 2021 court ruling that removed the first judge, Fadi Sawan, for potential bias. The same political forces accused his replacement, Tarek Bitar, of bias, boycotted government meetings over the issue, and persuaded supporters to protest against him. Defendants and suspects filed multiple legal challenges seeking Bitar's recusal that delayed the investigation during the year, but he continued to lead it at year's end.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process is subject to a number of impediments, including violations of defendants' right to counsel and extensive use of lengthy pretrial detention. Due process guarantees are particularly inadequate in the country's exceptional courts, including the military courts,

whose judges do not require a background in law and are authorized to try civilians and juveniles in security-related cases. In practice, military courts have asserted jurisdiction over cases involving human rights activists and protesters in addition to those focused on alleged spies and militants.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Residents of southern Lebanon have lived with the risk of land-mine detonation since the 1975–90 civil war, and armed militias, terrorist groups, and criminal organizations continue to undermine security in the country. In addition to the armed clashes in October 2021 between Hezbollah and the Amal Movement on the one hand and the Lebanese Forces faction on the other, smaller-scale violence involving organized crime and powerful local clans took a number of lives. At least 25 people reportedly died in clan-related violence between January 2020 and April 2021.

In May 2021, during an escalation of violence between Israeli forces and Palestinian militants in the Gaza Strip, the Israeli army announced that multiple rockets were launched from Lebanon toward Israel but caused no damage or casualties. Israeli forces responded by firing artillery at the sources of the rocket attacks. Also that month, a Lebanese man died after the Israeli military fired on him and a group of other young men as they tried to breach the border fence.

Prisons and detention centers are badly overcrowded and poorly equipped, and the use of torture by law enforcement, military, and state security personnel continues despite the passage of antitorture legislation and the creation of institutional mechanisms to halt the practice.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The country's legal system is meant to protect members of recognized confessional communities against mistreatment by the state, but groups have engaged in discriminatory behavior toward one another in practice, and people who do not belong to a recognized community have difficulty obtaining official documents, government jobs, and other services.

Women face discrimination in wages, benefits, and societal standards and practices, and are barred from certain types of employment.

LGBT+ people face both official and societal discrimination and harassment. A criminal code provision barring same-sex sexual relations remains in force, and people who violate this law risk a one-year prison sentence.

More than 1.5 million Syrians resided in Lebanon as of 2021. Of that number, some 841,000 were officially registered as refugees by the Office of the UN High Commissioner for Refugees; the government has barred the agency from registering new Syrian refugees since 2015. Syrian refugees have faced arbitrary arrests and other forms of harassment, and most live in poverty due in part to limitations on their employment options. The government has also enforced housing regulations to compel Syrian refugees to destroy their informal camps, threatening to use the military against those who did not comply. Syrians have sometimes been deported despite the risk of mistreatment by Syrian authorities.

About 479,000 Palestinian refugees are registered in Lebanon, though fewer than 200,000 actually live there. Many reside in 12 designated refugee camps and are restricted from 39 professions, contributing to widespread poverty, unemployment, and underemployment. In 2019, Lebanese authorities issued new regulations requiring foreigners to possess work permits, further restricting Palestinians' access to the labor market.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Citizens enjoy constitutional and legal rights to freedom of movement. With few formal restrictions, they are able to travel within Lebanon. Nevertheless, citizens find it extremely difficult to transfer official places of residence for voting purposes. They also face de facto sectarian boundaries and militia checkpoints in some areas.

Noncitizens are subject to much harsher restrictions on movement. Many Palestinians classified as refugees live in designated camps, and access to those areas is controlled and often constrained by Lebanese security services. Many Syrian refugees live in informal camps or smaller settlements, and are subject to curfews and other obstacles to movement.

Migrant workers face severe restrictions on movement under a sponsorship system that revokes their residency rights if they are dismissed by their designated employers. Employers often confiscate migrant workers' passports, further reducing their autonomy.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Lebanese law protects citizens' rights to own property and operate private businesses, but powerful groups and individuals sometimes engage in land-grabbing and other infringements without consequence, and business activity is impaired by bureaucratic obstacles and corruption.

Refugees, including longtime Palestinian residents, have few property rights. Women have weaker property rights than men under the religious codes that govern inheritance and other personal status issues in Lebanon, and they often face family pressure to transfer property to male relatives.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Because the religious codes and courts of each confessional community determine personal status law in Lebanon, people's rights regarding marriage, divorce, and child custody depend on their affiliation, though women are typically at a disadvantage compared with men. Partners seeking to enter an interfaith marriage often travel abroad, as Lebanon recognizes civil marriages performed elsewhere. Women cannot pass Lebanese citizenship to non-Lebanese spouses or children of non-Lebanese fathers.

Article 522 of the penal code, which allowed rapists to evade criminal prosecution if they subsequently married their victims for a period of at least three years, was repealed in 2017. However, the change did not affect a similar article related to sex with a minor, and spousal rape is still not a criminal offense.

Same-sex marriage remains illegal in Lebanon. However, transgender people have some legal precedent allowing them to live publicly based on their gender identity; a 2016 Court of Appeals ruling allowed a transgender man to legally change his gender in the civil registry and supported the plaintiff's desire to seek gender confirmation surgery.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Citizens' communal affiliation can either enhance or restrict their economic opportunities in a given area, company, or public-sector entity, depending on which group is in a dominant position. Individuals must also contend with political patronage and clientelism, layered on top of communally enabled corruption, in the public and private sectors.

All residents of Lebanon have faced hardship amid the economic crisis that emerged in 2019, featuring rampant inflation, currency devaluation, import shortages, and a sharp rise in poverty rates. However, noncitizens, such as refugees and migrant workers, are subject to particular disadvantages and have long been especially vulnerable to exploitative working conditions and sex trafficking. The authorities do not effectively enforce laws against child labor, which is common among Syrian refugees, rural Lebanese, and segments of the urban poor.

Household workers and migrant workers who operate under the sponsorship system routinely suffer from economic exploitation. Employers are favored in legal cases involving migrant workers, discouraging the latter from reporting denial of wages as well as physical, psychological, and sexual abuse. Beginning in 2020, as the economy collapsed, some employers abandoned their non-Lebanese employees near their home countries' embassies, often without fulfilling their contractual obligation to provide for the workers' return flights.

Lesotho

Population: 2,200,000

Capital: Maseru

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Lesotho is a constitutional monarchy. In recent years, the army's involvement in the country's already fragile politics has resulted in political instability and a security crisis. Corruption remains a challenge. Customary practice and law restrict women's rights in areas such as property, inheritance, and marriage and divorce.

KEY DEVELOPMENTS IN 2021

- The stability of the coalition government was threatened throughout the year by factionalism within the ruling All Basotho Convention (ABC), and in December, the ABC attempted to replace Prime Minister Moeketsi Majoro. Majoro refused to resign without a parliamentary vote of no confidence and remained in office at year's end.
- A governance reform project facilitated by the South African Development Community (SADC) continued throughout the year, leading to several legal reforms, including the December adoption of legislation intended to enhance media freedom in the country. However, the reform process was jeopardized by the withdrawal of the opposition Lesotho Congress for Democracy (LCD) party in December after its leader, Mothetjoa Metsing, was charged with treason and murder.
- In May, over 40,000 garment workers participated in a national strike to demand higher wages and improved working conditions. Security forces responded to the protests with excessive force, injuring a number of striking workers and resulting in the deaths of two others.

POLITICAL RIGHTS: 27 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Lesotho is a constitutional monarchy. King Letsie III serves as the ceremonial head of state. The prime minister is head of government; the head of the majority party or coalition automatically becomes prime minister following elections, making the prime minister's legitimacy largely dependent on the conduct of the polls. In May 2020, the ABC-led coalition government collapsed when then prime minister Thomas Thabane, who was being investigated for the 2017 murder of his estranged former wife, resigned after months of political uncertainty and increasing pressure from within the ABC and among coalition partners calling for his resignation. The ABC and opposition Democratic Congress (DC) formed a new coalition government with Moeketsi Majoro of the ABC as prime minister later that month.

The prime minister can advise the king to dissolve Parliament and call a new election, but members of the lower house voted to restrict this ability by constitutional amendment in October 2019. In May 2020, the king assented to the law, effectively limiting the powers of the prime minister. Unsuccessful attempts to topple the coalition government in 2021 left Majoro's position in government tenuous; in December, the ABC recalled Majoro, intending to install cabinet minister Nkaku Kabi as prime minister. Majoro refused to resign, arguing that only Parliament can remove him through a vote of no confidence. He remained in office at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The lower house of Parliament, the National Assembly, has 120 seats; 80 are filled through first-past-the-post constituency votes, and the remaining 40 through proportional representation. The Senate—the upper house of Parliament—consists of 22 principal chiefs who wield considerable authority in rural areas and whose membership is hereditary, along with 11 other members appointed by the king and acting on the advice of the Council of State. Members of both chambers serve five-year terms.

In 2017, the DC-led coalition government lost a no-confidence vote, triggering the third legislative election since 2012. Election observers declared the contest peaceful, generally well administered, and competitive. However, isolated instances of political violence were noted, as was a heavy security presence at many polling places, which electoral officials said intimidated some voters. The ABC won a plurality of seats and formed a coalition government.

In May 2020, the coalition government collapsed after Thabane's resignation, and the ABC formed a new coalition with the DC later in the month. The current coalition government has faced continuous threats to its existence since its creation, largely due to infighting within the ruling ABC and tensions between coalition partners.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Although the Independent Electoral Commission (IEC) faces capacity constraints, and the credibility of the voters' roll has been questioned in the past, the IEC has been commended for its independence and its efforts to uphold electoral laws and oversee credible elections. International observers broadly commended the IEC's administration of the 2017 snap poll but noted deficiencies they linked to a lack of capacity, including late disbursement of campaign funds to political parties. A lack of funds prevented the IEC from carrying out critical operations in 2021, including its work on demarcating constituencies, and resulted in the cancellation of planned by-elections. In December, the IEC reported that the lack of funding was affecting its preparations for the 2022 general elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political parties may form freely and are allocated funding by the IEC, and 27 parties contested the 2017 election. However, politics have been unstable since a failed 2014 coup. In recent years, the country has seen politically motivated assassinations and assassination attempts, and political leaders operate within the country at some risk to their personal safety.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have a realistic chance of gaining power through elections, and power has rotated frequently between DC- and ABC-led coalitions. However, political instability and associated violence and intimidation has at times prompted opposition leaders to flee the country. The SADC facilitated a governance reform process to address these concerns, culminating in the creation of the National Reforms Authority (NRA) in August 2019. The 59 members of the NRA were sworn into office in February 2020 and are expected to complete their work by April 2022. However, the NRA has faced obstacles to its work, including financial challenges and COVID-19-related restrictions. In December 2021, the opposition LCD pulled out of the SADC discussions after its leader, Mothetjoa Metsing, was charged with treason and murder related to his participation in the 2014 coup attempt, jeopardizing the stability of the process.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Lesotho has a long history of political instability largely related to disputes among factions of the Lesotho Defence Force (LDF) and the politicization of security agencies in general. Although the heavy military presence at voting stations during the 2017 election was questioned, no reports of voter interference surfaced. However, in June 2019, then defense minister Tefo Mapesela claimed that senior police officers threatened him after he criticized an army commander and a senior intelligence official in a phone conversation.

Principal chiefs wield some political influence over their rural subjects.

In 2018, Lesotho-based Chinese businessman Yan Xie claimed that he heavily donated to most of Lesotho's political parties. Critics argued that Yan's financial clout gave him considerable influence over the country's political elites, exemplified by his 2017 appointment as a "head of special projects" and special trade envoy. In June 2020, Yan reportedly fled to Australia after learning that he was being investigated for corruption. In a February 2021 interview, Yan implied that he remained in contact with the prime minister, though Majoro has denied having any such contact with Yan.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution guarantees political rights for all. However, societal norms discourage women from running for office, and no parliamentary or party-list gender quota exists to ensure their representation. After the 2017 election, only 23 percent of seats in Parliament were held by women, down from 25 percent before the contest. Women's involvement in local government has also declined; women held 49 percent of local positions in 2011, but only 40 percent in 2017. The inaccessibility of some polling stations to persons living with

disabilities was raised as a concern during the 2017 election. LGBT+ individuals generally face societal discrimination, and this discourages them from advocating for their rights in the political sphere. In 2021, the NRA held stakeholder engagement meetings to discuss increasing the number of parliamentary seats elected through proportional representation, which proponents say will increase the representation of women and members of other underrepresented groups in Parliament.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

While elections are held without delays and representatives are duly seated, persistent political instability disrupts normal government operations. The stability of the governing coalition was undermined by disagreements between coalition partners and factionalism within the ruling ABC throughout 2021, including several unsuccessful attempts made within the coalition to oust Prime Minister Majoro. Despite the political turmoil associated with the instability of the governing coalition, Parliament was able to operate without undue interference throughout the year.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Official corruption and impunity remain significant problems. The main anticorruption agency, the Directorate on Corruption and Economic Offence (DCEO), lacks full prosecutorial powers and faces capacity and funding challenges. The Asset Forfeiture Unit, which was established in 2016 to recover property connected to corruption cases, is largely ineffective. In July 2020, then DCEO Director General Mahlomola Manyokole reported that Acting Chief Justice ‘Maseforo Mahase had approved plans for the establishment of a specialized anticorruption court. That same month, Parliament amended the DCEO Act to grant the agency powers to investigate money-laundering crimes beyond Lesotho’s borders. Anticorruption officials have claimed that individuals and companies have used state capture tactics to obtain immunity for corrupt dealings.

In January 2021, Prime Minister Majoro suspended Manyokole from his position as DCEO head for alleged incompetence. Manyokole was charged with money laundering, corruption, and abuse of power the following month; he has denied all allegations against him, saying that he was suspended for pursuing corruption investigations into high-level officials, including Majoro.

The DCEO has taken few corruption cases to court in recent years. However, in May 2021, the agency successfully brought Motena Tšolo, a former finance ministry official, to court on corruption charges in connection with her role in a 2018 high-profile procurement scandal; the case had not been resolved by year’s end.

C3. Does the government operate with openness and transparency? 2 / 4

Lesotho has no access-to-information law, and responses to information requests are not guaranteed. Though reports on public debt are publicly available, the management of public finances is generally shrouded in secrecy. Government procurement decisions and tenders typically cannot be accessed online. Although high-level government and elected officials are required to disclose their assets and business interests—which Prime Minister Majoro and his cabinet did in June 2020—these declarations are not made public. Enforcement of the rules is limited by resource constraints.

The appointment process for judges lacks transparency. However, in September 2021, the Judicial Services Commission (JSC) publicly interviewed candidates for High Court

appointments, and in December, announced plans to conduct further public interviews of judicial candidates in 2022.

CIVIL LIBERTIES: 36 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16****D1. Are there free and independent media? 2 / 4**

Freedom of the press is only indirectly protected under constitutional guarantees of freedom of expression. Journalists are subject to threats and intimidation from the authorities and private citizens. State and private media outlets have also been accused of open bias.

Journalists additionally face statutory barriers that interfere in their work, including criminal code provisions that bar sedition and offenses against the “dignity of the royal family.” The Penal Code, adopted in 2010, allows police officers to force journalists to reveal their sources.

In November 2021, journalists from two private radio stations, 357 FM and People’s Choice FM (PCFM), were subjected to arbitrary arrest, harassment, and alleged physical assault by police for reporting on missing police guns; police later stormed the PCFM’s office and questioned the station’s employees about the reports. The same month, the state media regulator, the Lesotho Communications Authority (LCA), suspended 357 FM’s license for allegedly failing to comply with LCA directives.

Parliament passed new legislation establishing a national media policy in December; the policy was developed by the NRA and has been praised by local media rights activists, who say it will enhance media freedom in the country.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides legal protections for freedom of religion and prohibits religious discrimination, and religious freedom is generally upheld in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected in practice, though the government does interfere in the administration of institutions of higher education. In September 2019, National University of Lesotho (NUL) officials warned that the institution risked closure due to government funding cuts.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

The constitution provides legal protections for freedom of expression. However, political violence in recent years has discouraged open political debate. In October 2020, the LCA proposed regulations for online content that would require users with at least 100 followers or a reach of at least 100 to register as internet broadcasters and obtain a certificate from the regulatory body, which has the authority to investigate and order the removal of posts that do not comply with Lesotho Telecommunications Authority (Broadcasting) Rules of 2004.

In March 2021, the government presented Parliament with two bills proposing new cybersecurity and communications regulations, which included provisions allowing the government to monitor private communications between citizens. The bills were widely condemned by local rights groups, including the Media Institute of Southern Africa (MISA) Lesotho, which said that the legislation would violate citizens’ privacy rights and unduly

suppress free expression. In September, a parliamentary committee rejected both draft laws, returning the bills to the executive with instructions to “reassess” the legislation.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 2 / 4

Protests and demonstrations are permitted, but organizers must seek a permit seven days in advance. Demonstrations take place each year and are sometimes violently dispersed by police. Many COVID-19-related restrictions on gatherings remained in place throughout 2021, including a ban on “strikes, protests, and social gatherings.” Political rallies were permitted, though participation was limited by COVID-19-related regulations. Despite the ban on gatherings, numerous protests took place throughout 2021, including demonstrations by young people protesting the “lucrative allowances” granted to members of Parliament. Police responded violently to protests throughout the year, resulting in the deaths of two striking factory workers in May and the arrests of several protesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

NGOs generally operate without restrictions. However, some civil society groups act cautiously when working on politically sensitive issues. In addition, government rules on registering NGOs are strict; those who are accused of neglecting to register their organization risk a five-year prison sentence. No NGOs have been held to account for failure to register in recent years.

In August 2021, the Transformation Resource Centre (TRC), a local rights NGO, asked the High Court to deregister all 41 of Lesotho’s political parties, accusing the parties of failing to adhere to the country’s electoral laws. The TRC’s petition, which government officials and the IEC called a “malicious” attempt to provoke a constitutional crisis, had not been ruled on by year’s end.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While labor and union rights are constitutionally guaranteed, the union movement is weak and highly fragmented, and these challenges have undermined unions’ ability to advance the rights of workers. The government has previously been accused of undermining bodies like the National Advisory Committee on Labour (NACOLA), Wages Advisory Board, and Industrial Relations Council. In July 2021, the labor minister announced plans to review the existing labor code and to establish a bargaining council intended to regulate and oversee employment conditions in the country.

Many employees in the textile sector—Lesotho’s largest formal employer—face obstacles when attempting to join unions. Despite the COVID-19-related ban on industrial action, in May, over 40,000 garment workers participated in a national strike to demand higher wages and improved working conditions. Security forces responded to the protests with excessive force, injuring a number of striking workers and resulting in the deaths of two others. In December, the Independent Democratic Union of Lesotho (IDUL) signed an agreement with Hippo Knitting to help “ensure safe working conditions” in the garment factory, where numerous workers have reported facing serious abuses.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

The constitution protects judicial independence, but the judiciary lacks resources and faces a shortage of judicial officers. The *Lesotho Times* reported in October 2020 that the

judicial system was on the verge of collapse due to a lack of funds and infrastructural disrepair. The judiciary was reportedly allocated M11 million (\$687,000) to fund all judicial operations in 2021, less than half of the M25 million (\$1.5 million) budget that some judges say is required. Though the JSC interviewed candidates for seven vacant judicial positions on the High Court in September, only two judges were appointed due to financial constraints.

Judges do rule against the government, including on politically sensitive issues. In May 2020, Prime Minister Majoro admitted that factional battles within the ruling ABC had eroded the independence of the judiciary. The SADC and the government decided in 2018 to engage foreign judges on high-profile and politically sensitive cases. Only one of the three foreign judges appointed to the High Court remained by September 2021, following the resignations of the other two judges in May 2020 and August 2021, respectively.

The judicial appointment process lacks transparency, and members of the JSC at times act without proper oversight. However, in September 2021, the JSC publicly interviewed candidates for High Court appointments for the first time.

High Court judges often fail to provide justification for their decisions; in April, Kananelo Mosito, the president of the Court of Appeal, asked the Chief Justice to address the problem, which Mosito says undermines public confidence in the judiciary.

F2. Does due process prevail in civil and criminal matters? 2 / 4

While the courts generally uphold due process, a large backlog of cases has left individuals subject to trial delays and lengthy pretrial detention. Judicial vacancies often go unfilled due to a lack of funds, reducing the judiciary's capacity to address the backlog and creating further delays. The COVID-19 pandemic exacerbated issues within the judicial system, though the Court of Appeal operated during the lockdown period in 2020, holding remote hearings.

In September 2021, Chief Justice Sakoane ordered the courts to ensure that individuals accused of a crime are tried within two months of their original arrest date, unless the court is able to provide written evidence showing "compelling reasons" to act otherwise.

In the first eight months of 2019, the government appointed three foreign judges to preside over high-profile criminal cases that were affected by the ongoing backlog; two of the three judges had resigned by August 2021, reportedly due in part to "frustration" over persistent trial delays. Numerous high-profile trials, including that of former army commander Tlali Kamoli on charges of attempted murder, have been subjected to repeated delays in recent years. Kamoli's trial was postponed several times in 2021, and had not started by year's end.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Lesotho faced years of violence related to factional disputes within the army; the SADC appointed a facilitation team to create a reform process that would partially focus on the security sector. The SADC's work culminated in the creation of the NRA, which began operating in February 2020.

The constitution provides legal protections against torture, but allegations of torture have been levied against police forces, the LDF, and prison authorities. In September 2021, the family of Tšelislo Sekonyela, who died earlier that month while in police custody, reported that he appeared to have been severely tortured. Three police officers were suspended in relation to Sekonyela's death, which remained under investigation at year's end.

Lesotho does not have an independent administrative body to investigate human rights abuses.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Rights are restricted for some groups. Same-sex sexual activity is legal, though same-sex marriage remains prohibited. LGBT+ individuals face societal discrimination and challenges accessing services, like health care. Discrimination based on sexual orientation or gender identity is not prohibited by law. Customary laws and other social norms discriminate against women. For example, women are considered minors under the guardianship of their fathers before marriage and their husbands after marriage. Schools often lack facilities for students with disabilities. In March 2021, Parliament passed the Persons with Disability Equity Act into law, bringing the country's laws into accord with the United Nations Convention on the Rights of Persons with Disabilities, to which it is a signatory. Under the new law, the government introduced a disability grant program in July for those living with disabilities in Lesotho.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The constitution protects freedom of movement, which is generally upheld. In recent years, a high incidence of rape on a path near the Ha Lebona and Ha Koeshe villages has prompted some women to reduce travel in the area.

COVID-19 regulations in 2020 restricted free movement in order to curtail the spread of the virus. Some restrictions were lifted in October 2021, including on international travel.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The constitution protects property rights, though related laws are inconsistently upheld. Women's rights are restricted in areas such as property and inheritance, including chieftainships, which can only be inherited by men. Expropriation is provided for in the constitution but is uncommon and subject to fair compensation. Government instability and the country's volatile politics hamper normal business activity. In November 2020, Parliament adopted new regulations that will reserve a list of 47 business activities for the Basotho ethnic group. Foreigners can only participate in these activities as minority shareholders. In September 2021, the government suspended the regulations in order to revise the law.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Prominent social norms and harmful patriarchal attitudes negatively affect women. Women's rights are restricted in marriage and divorce, and violence against women is high. In April 2021, the government introduced legislation intended to establish mechanisms to combat domestic violence; the bill remained under consideration in Parliament at year's end. Forced and child marriages remain an ongoing problem. In September 2020, the Commonwealth Secretariat reported that one in three women in Lesotho had experienced physical or sexual violence, often at the hands of their partners. Accountability for the perpetrators of gender-based violence is not consistent.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking remains an ongoing challenge for Lesotho. Although the US State Department's 2021 *Trafficking in Persons Report* acknowledges that the government has made significant efforts in fighting the problem, it found that Lesotho authorities did not fully meet

minimum standards to eliminate trafficking. In September 2021, the government introduced new visa requirements intended to further combat human trafficking in the country.

Child labor and forced labor for both men and women remains a problem. In August, the government announced that it had requested an independent assessment of the child labor situation in Lesotho.

In December 2020, the DC party leader and deputy prime minister Mathibeli Mokhothu was reportedly linked in a court case to Rana Qamar, a Pakistani national well-known for human trafficking. Qamar has been accused of using two cabinet ministers, including Mokhothu, to pressure an immigration official into letting two Pakistanis into Lesotho without visas.

Liberia

Population: 5,200,000

Capital: Monrovia

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Liberia has enjoyed nearly two decades of peace and stability since the second civil war ended in 2003. During this time, the country has made considerable progress rebuilding government capacity, reestablishing the rule of law, and ensuring the political rights and civil liberties of citizens, and 2017 saw the first peaceful transfer of power between leaders since 1944. However, Liberia still faces serious issues with corruption, impunity, and violence against women.

KEY DEVELOPMENTS IN 2021

- In April, the National Elections Commission (NEC) confirmed that none of the amendments on the December 2020 referendum passed. Provisions included changes to term-length of representatives, the vice president, and the president, as well as an end to the ban on dual citizenship. Critics noted flaws in the process that brought the referendum to the ballot, including a lack of openness by political leadership to include proposals that were important to the public and a lack of voter awareness about the issues.
- In February, the head of the Liberia Anti-Corruption Commission (LACC), Ndubusi Nwabudike, resigned amid allegations that he obtained his citizenship illegally. His replacement, Edwin Martin, subsequently issued a 120-day ultimatum to former and current public officials to voluntarily return stolen government assets and property or face arrest.

POLITICAL RIGHTS: 27 / 40

A. ELECTORAL PROCESS: 8 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Liberia's president is directly elected and can serve up to two six-year terms. Since the end of the civil wars in 2003, Liberia has had three peaceful presidential elections. The most recent election, held in 2017, was assessed by domestic and international observers as generally peaceful and credible, though difficulties in its administration included long queues at polling places and challenges related to voter identification.

In 2017, a runoff between George Weah of the Coalition for Democratic Change (CDC) and incumbent vice president Joseph Boakai of the Unity Party (UP), was delayed when third-place finisher Charles Brumskine of the Liberty Party (LP) challenged the first-round results on grounds of fraud. The Supreme Court found his claim unsupported by evidence. Weah won the run-off with 61.5 percent of the vote, and his 2018 inauguration marked the first peaceful transfer of power since 1944. Observers noted procedural and administrative improvements in the runoff compared to the first round.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Liberia has a bicameral legislature composed of a 30-member Senate and a 73-member House of Representatives; senators are elected to nine-year terms, and representatives to six-year terms.

Lower-house elections were held concurrently with the first round of the presidential election in 2017. The CDC won 21 seats, while the UP won 20. The People's Unification Party (PUP), which was allied to the ruling CDC, won 5 seats, and the LP won 3. The remaining 24 seats were won by independents and other parties. Despite administrative problems, observers considered the elections generally peaceful and well administered, with only minor incidents of violence during the campaign.

Fifteen Senate seats were contested in December 2020. The opposition alliance Collaborating Political Parties (CPP)—comprised of the former ruling UP, the Alternative National Congress, the All Liberian Party, and the LP—won six seats, double that of the ruling CDC. The remainder were shared between independents and smaller parties. Polling day was largely peaceful, but the campaign period was marred by incidents of fraud and violence. Voter turnout was 34.9 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

While the independence of the NEC is mandated by law, its capacity is limited, and it has struggled to enforce regulations. The National Code of Conduct Act is not consistently followed by officials.

The NEC managed a December 2020 constitutional referendum, held concurrently with the Senate elections, which included amendments to shorten the terms of the president, the vice president, and lower-house legislators from six years to five; to shorten senators' terms from nine years to seven; and to end a ban on dual citizenship. In April 2021, four months after ballots were cast, the NEC confirmed that none of the amendments received the required two-thirds of votes to become law. Critics noted flaws in the process that brought the referendum to the ballot, including a lack of openness by political leadership to include proposals that were important to the public and a lack of voter awareness about the issues.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties generally do not face undue legal or practical obstacles that prevent them from forming or operating. The People's Liberation Party was certified by the NEC in late December 2020 and opened a party office in Monrovia in February 2021. However, the ruling CDC has been known to use public resources to fund campaigns during election periods—notably by taking advantage of state-owned vehicles and facilities.

Opposition parties can form coalitions; the CPP coalition formed in 2019 was certified in August 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties and independent candidates have a realistic chance of gaining office and power through elections. In 2017, President Weah, of the then opposition CDC, defeated the former ruling party's candidate. Opposition candidates found success in the December 2020 Senate elections, with only three CDC candidates winning across 15 races. Independent candidates won two of four by-elections held in November 2021.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Allegations of undue influence or pressure on voters by powerful groups are somewhat rare. However, a general wariness of election-related violence persists in Liberia.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Lebanese people and people of Asian descent whose families have lived in Liberia for generations are denied citizenship and cannot participate in political processes. While former president Ellen Johnson Sirleaf (2006–18) was the first woman to be head of state in Africa, and Liberia's current vice president is a woman, women are poorly represented in national politics and hold few leadership positions in political parties. Only 2 of the 30 senators are women, and women hold 9 of 73 seats in the House of Representatives. Social stigma against LGBT+ people discourages them from advocating for their rights.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Once elected, government officials are duly installed in office, and elected legislators generally operate without significant interference. However, bribery and corruption can influence policy prioritization even at the executive level.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Many institutions exist to fight corruption, but they lack the resources, political independence, and capacity to function effectively. Corruption thus remains pervasive.

In February 2021, the head of the Liberia Anti-Corruption Commission (LACC), Ndubusi Nwabudike, resigned amid allegations that he obtained his citizenship illegally. His replacement, Edwin Martin, subsequently issued a 120-day ultimatum to former and current public officials to voluntarily return stolen government assets and property or face arrest. The LACC Enforcement Division opened investigations into the suspended heads of the Liberia Water and Sewer Corporation and the managing director of the Liberia Airport Authority. The body is also actively investigating NEC commissioners for allegedly using \$180,000 to purchase thermometers for the November 2021 by-election administration, and in December recommended dismissing the NEC chairperson as well as the NEC head of procurement.

C3. Does the government operate with openness and transparency? 2 / 4

The Freedom of Information Act is rarely used, and the government responds slowly to information requests, if at all. Transparency guidelines for public procurement processes are not fully enforced.

In 2021, many new public officials, including in the executive branch, failed to declare their assets as required by law. The LACC, which collects asset declarations, is not obligated to disclose those submitted by executive branch members, and efforts by civil society and media to gain access to President Weah's declaration have been unsuccessful.

CIVIL LIBERTIES: 33 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16****D1. Are there free and independent media? 2 / 4**

Liberia's constitution provides for freedom of speech and the press, but these rights are sometimes restricted in practice. Investigative reporters receive threats, including by members of the government who have vowed to sue in response to journalistic inquiries. President Weah has previously taken an adversarial stance toward media, denouncing "fake news" that purportedly threatened national stability. Liberia also maintains onerous criminal and civil libel laws, though the 2019 Press Freedom Act effectively decriminalized libel, "sedition," and "criminal malevolence." Defamation remains a civil offense, and journalists risk jail time for nonpayment. Investigative reporting can lead to media houses being summoned to court.

Journalists were harassed, threatened, and attacked while reporting on the senate elections in December 2020. In June 2021, journalists Trojan Kiazolu and Hannah Geterminah were physically assaulted by police officers for photographing in a public area.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is protected in the constitution. However, about 86 percent of the population is Christian, and the Muslim minority reports discrimination in government appointments. Proposals to amend the constitution to establish Christianity as the official religion emerge occasionally and contribute to interreligious tensions. Since his election, President Weah has made efforts to reach out to the Muslim population.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government does not restrict academic freedom, though education infrastructure remains inadequate.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

People are generally free to engage in private discussion while in public spaces, but some topics are taboo, such as discussion of issues affecting LGBT+ people. This extends online too, though the government is not known to illegally monitor online communications. In March 2021, the secretary general of the opposition UP, Mohammed Ali, was arrested for suggesting in a Facebook post that the NEC was involved in a "ploy" to stall the certification of a member of his party who had won election to the senate. He was released later that month.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12**E1. Is there freedom of assembly? 2 / 4**

Freedom of assembly is constitutionally guaranteed, and Liberia has a history of public protests and civic actions. Security forces at times met protests in 2021 with a heavy-handed response. In July, police arrested several protestors in Lofa County denouncing delays in the certification of the region's senator-elect. In August, at least 10 protestors demonstrating against the cancelation of online learning were injured after police fired tear gas and rubber bullets at the University of Liberia.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Numerous civil society groups, including human rights organizations, operate in the country. However, groups focused on LGBT+ issues tend to keep a low profile due to fears of retribution for their work. A National Aid and NGO policy was introduced in September 2020 to improve the coordination of humanitarian aid in the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Unions are free to form and mobilize and are well organized. The rights of workers to strike, organize, and bargain collectively are recognized. However, the law does not protect workers from employer retaliation for legal strike activity. Labor disputes can turn violent, particularly at the country's various mines and rubber plantations.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The constitution provides for an independent judiciary, but it is impeded by corruption, backlogs, and funding shortfalls. The Supreme Court claimed in September 2021 that judges at all levels of the judiciary have experienced a rise in verbal and physical harassment.

In May 2021, the chief justice of the Supreme Court, Francis Korkpor, acknowledged the influence of corrupt actors on the judiciary's independence. Critics have also raised concerns that the outcomes of some trials seem predetermined.

In 2019, the Senate voted to remove Supreme Court associate justice Kabineh Ja'neh from the bench, finding him guilty of official misconduct after he issued a writ in favor of petroleum dealers who opposed a gasoline sale levy. Ja'neh appealed to the Court of Justice of Economic Community of West African States (ECOWAS), which ruled in Ja'neh's favor in November 2020, awarding him \$200,000 in damages along with back pay and instructing the government to either reinstate him or allow him to retire. The Liberian Senate rejected the ruling and had not reinstated Ja'neh by the end of 2021.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The right to due process is guaranteed by the constitution but poorly upheld. Many people accused of crimes spend more time in pretrial detention than the length they would serve for a guilty sentence. Citizens with financial means at times bribe judges to rule in their favor. Reports of arbitrary arrest by law enforcement agents continue.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The security environment in Liberia has improved dramatically since warfare ended in 2003. However, citizens still view the police force as corrupt, and security agencies lack the

financial means to meaningfully protect citizens from violence. Prison conditions are very poor, and detainees and prisoners continue to report abuse and threats by law enforcement agents and prison guards.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Some minority ethnic groups continue to be stigmatized as outsiders, and the Muslim population experiences some discrimination. LGBT+ people face social stigma and the threat of violence. The penal code makes “voluntary sodomy” a misdemeanor offense that can carry up to a year in prison, and this provision can be invoked against LGBT+ people. President Weah has not supported same-sex marriage.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Though some unofficial border checkpoints remain active—and border patrol agents sometimes attempt to extract bribes—people have enjoyed a gradual increase in the right to move about freely in the years since large-scale violence ended. COVID-19-related restrictions on movement expired and were not renewed in 2020.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Conflicts over land remain pervasive, many originating during the civil wars and the subsequent displacement and resettlement of people that the violence caused. Others are the result of opaque concession agreements granting foreign corporations access to lands for mining, logging, and the production of palm oil.

The 2018 Land Rights Act formalized community ownership of ancestral land. However, the Liberia Land Authority lacks the capacity to deal with disputes that have emerged as a result of the law.

Customary law practices that prevail in large parts of the country disadvantage women in matters of land rights and inheritance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

While men and women enjoy equal rights under civil law, gender disparities are common in customary law, which remains dominant in much of Liberia and disadvantage women in matters including inheritance and child custody.

Violence against women and children, particularly rape, is pervasive. In 2017, the Senate voted to make rape a bailable offense, prompting protests by women’s rights activists. Despite the vote, rape remains a nonbailable offense. In 2019, President Weah signed the Domestic Violence Act, originally proposed in 2014, mandating stricter punishment for those convicted of domestic violence, though restrictions on female genital mutilation (FGM) were not included. An interministerial taskforce created in 2020 to address sexual and gender-based violence (GBV) remains largely powerless.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking for the purpose of forced labor and prostitution remains a problem, with most victims trafficked from rural areas to cities. Many trafficking victims are children,

who can be found working in diamond mines, agricultural operations, or as domestic laborers, or engaged in forced begging or prostitution. In December 2021, a man was sentenced to 22 years in prison for attempting to traffic 22 children.

Libya

Population: 7,000,000

Capital: Tripoli

Freedom Status: Not Free

Electoral Democracy: No

Overview: Libya has been racked by internal divisions and intermittent civil conflict since a popular armed uprising in 2011 deposed longtime dictator Mu'ammar al-Qadhafi. International efforts to bring rival administrations together in a unity government succeeded in early 2021, creating a fragile peace. However, proliferation of weapons and autonomous militias, flourishing criminal networks, the interference of regional powers, and the presence of extremist groups have all contributed to the country's persistent lack of physical security. More than a decade of violence has displaced hundreds of thousands of people, and human rights conditions have steadily deteriorated.

KEY DEVELOPMENTS IN 2021

- In March, the House of Representatives (HoR) voted in favor of installing the new interim Government of National Unity (GNU), which had been elected by the Libyan Political Dialogue Forum (LPDF), a UN-backed political process. A peaceful transition of power took place shortly after the HoR's vote of approval.
- The GNU was tasked with overseeing the presidential and parliamentary elections that had been set for December. However, following prolonged debates over the legal and constitutional basis for the elections and disputes over candidate eligibility, the High National Election Commission (HNEC), announced the postponement of the elections.
- Despite improvements following the cease-fire brokered in October 2020, political and military violence remained common; human rights violations were widespread, and included unlawful killings, enforced disappearances, and arbitrary detentions. Conditions were further affected by the presence of various armed groups, thousands of foreign mercenaries, a large migrant population, and mass internal displacement.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Prior to 2021, Libya was divided by two rival administrations: the Government of National Accord (GNA) was based in Tripoli, and controlled much of western Libya; an interim government affiliated with the HoR operated in the east of the country, under the protection of Khalifa Haftar and his Libyan Arab Armed Forces (LAAF).

In October 2020, the United Nations Support Mission in Libya (UNSMIL) facilitated the first round of the Libyan Political Dialogue Forum (LPDF). The LPDF was created to

“generate consensus on a unified governance framework” among its inclusive and diverse 74-member delegation, comprised of representatives from across Libya, including members of the HoR, High Council of State (HCS), and civil society. Members voted on electoral lists consisting of a prime minister and a separate 3-member Presidential Council, with each candidate representing one of Libya’s three historic provinces—Tripolitania, Cyrenaica, and Fezzan.

In February 2021, after two rounds of voting, the LPDF selected a new executive council, creating the interim GNU. The LPDF elected Abdelhamid Dbeibah, a wealthy businessman and former Qadhafi associate, to the role of interim prime minister. Mohamed Menfi was chosen to lead the Presidency Council; the remaining two members of the council are Musa al-Koni, the GNA’s former deputy prime minister, and Abdullah al-Lafi. In March, 132 members of the HoR met to approve of the GNU and its 35-member cabinet. Five days later, the two rival governments peacefully handed over power to the GNU. Despite allegations of vote buying, the legitimacy of the LPDF elections, the GNU, and its mandate have been internationally recognized.

The LPDF created the GNU as an interim government with a specific, limited mandate. The chief role of the GNU was to reunify national institutions, including the army and the central bank, and to oversee the elections that had been set for December 2021, after which its mandate would end. However, two days before the elections were set to take place, the presidential elections were postponed, after the High National Election Commission (HNEC), tasked with the technical registration and implementation of elections, announced its inability to carry out its mandate. Following the postponements of the December elections, the HoR announced that it no longer recognized the legitimacy of the GNU, though the UN continued to recognize the GNU’s mandate.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Under the 2015 Libyan Political Agreement (LPA), the unicameral, 200-seat HoR was to remain in place as the interim legislature. The agreement also created the HCS, a secondary consultative body composed of some members of the rival General National Congress (GNC). However, the HoR never formally approved the LPA’s provisions or recognized the GNA.

Members of the HoR were elected in 2014 in polls that were marked by violence and drew the participation of only about 15 percent of the electorate. Its mandate formally expired in 2015; while it unilaterally extended its tenure, it has rarely achieved a quorum in practice. Following the launch of Haftar’s offensive against Tripoli in 2019, the HoR became further divided, with members opposed to the campaign meeting in Tripoli and other members continuing to meet in Tubruk. There were attempts to reunify the body in the context of the LPDF process in late 2020, but the dispute remained unresolved.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Despite some legal developments since the fall of the Qadhafi regime, Libya lacks a functioning electoral framework in practice.

An August 2011 constitutional declaration, issued by an unelected National Transitional Council, continues to serve as the key governing document for the transitional period. A Constitutional Drafting Assembly (CDA) that was elected in 2014 voted to approve a draft constitution in 2017. In the fall of 2018, the HoR approved a law containing a framework for a constitutional referendum, along with several accompanying amendments to the 2011 constitutional declaration. It then submitted the former, the Referendum Law, to the HNEC, but there was speculation that the new law and amendments would face legal challenges.

According to the LPDF transition roadmap, both the HoR and HCS are required to design and agree on an electoral framework for presidential and parliamentary elections. Despite this stipulation, both the HoR and HCS passed separate electoral laws, each body circumventing and contradicting the other. The electoral law adopted by the HoR, which created an election plan for the December 2021 presidential elections and postponed finalizing a plan for parliamentary elections, was accepted by the UNSMIL.

Two days before the December 2021 presidential election was set to occur, the HNEC announced that the elections had been postponed by one month, citing inadequacies in the electoral law. Disagreements over the establishment of an electoral framework and a flawed process for determining candidates' eligibility persisted through the end of the year.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

A range of political parties organized to participate in the 2012 GNC elections, but all candidates were required to run as independents in the 2014 HoR elections. Civilian politics have since been overshadowed by the activities of armed groups, which wield significant power and influence on the ground. While various political factions and coalitions exist, the chaotic legal and security environment does not allow for normal political competition; political parties are largely built around personalities rather than coherent platforms, and often do not have substantial constituencies.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Following the October 2020 cease-fire, despite the creation of a singular executive government, Libya remains divided between rival political and military factions, and political influence is heavily dependent on military strength.

Elections planned for December 2021 were postponed two days before they were scheduled to take place. The integrity of the planned elections had been severely compromised by widespread voter intimidation and armed obstruction of the electoral process.

More than 90 Libyans, including two women, registered their candidacy in the run-up to the planned 2021 presidential elections. Several leading presidential candidates, however, proved controversial due to their political or military connections. These candidates included Saif al-Islam Qadhafi, son of Mu'ammar Qadhafi; General Khalifa Haftar, head of the Libyan Arab Armed Forces, who has been implicated in war crimes; current prime minister Abdelhamid Dbeibah, who has been implicated in corruption and whose candidacy contravened LPDF stipulations against GNU figures participating in the 2021 elections; and the Speaker of the HoR, Aguila Saleh.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Ordinary citizens have no role in Libya's political affairs, which are currently dominated by armed factions, foreign governments, oil interests, smuggling syndicates, and other extrapolitical forces. Citizens and civilian political figures are subject to violence and intimidation by the various armed groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The political impasse and armed conflict prevented all segments of the population from exercising their basic political rights. Communities that lacked an affiliation with a powerful militia were especially marginalized.

The CDA featured two reserved seats each for three non-Arab ethnic minority groups: Amazigh, Tebu, and Tuareg. The Amazigh, however, largely boycotted the 2014 CDA elections and had no representatives in the body, and the two Tebu members rejected the draft constitution it adopted in 2017. The draft was approved by the CDA despite rules requiring support from at least one member from each of the three minority groups. Amazigh, Tuareg, and Tebu organizations have also denounced the UNSMIL for excluding their communities.

Representation for ethnic minority groups remained lacking in 2021; members of all three groups are often unable to acquire citizenship or other forms of documentation, further contributing to their political disenfranchisement.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Despite the election of a unified government in March 2021, full control over the national territory has not been established. The creation of the GNU did not result in the development of a cohesive policy platform; its mandate is temporary, and limited to administering elections and unifying national institutions.

In September 2021, 113 members of the HoR passed a vote of no confidence against the GNU; the HCS condemned the no-confidence measure, and some parliamentary sources claimed a no-confidence vote must be passed by 120 members, and was therefore illegitimate. After the elections were postponed in December, the HoR announced that the GNU's mandate had expired, though the UN continued to recognize the GNU's mandate.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive among government officials, and opportunities for graft and criminal activity abound in the absence of functioning fiscal, judicial, and other institutions.

In March 2021, HoR leader Aguila Saleh alleged that Dbeibah had secured his position as interim prime minister through vote buying; a leaked UN report found that Dbeibah had bribed at least two members of the LPDF to vote for him. Dbeibah has faced further allegations of corruption: his close ties to Qadhafi and his involvement with running the Organization for Development of Administrative Centers (ODAC), a state-owned entity that oversees major public sector infrastructure projects, have drawn increased scrutiny. Dbeibah's cousin, Ali Ibrahim Dbeibah, longtime head of ODAC, is suspected of having misappropriated massive amounts of public funds.

C3. Does the government operate with openness and transparency? 0 / 4

There are no effective laws guaranteeing public access to government information, and none of the competing authorities engage in transparent budget-making and contracting practices.

CIVIL LIBERTIES: 8 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 1 / 4

There is a diverse array of Libyan media outlets based inside and outside the country. However, most are highly partisan, producing content that favors one of the country's political and military factions, and in many cases promoting propaganda, hate speech, or

disinformation in coordination with foreign backers. Social media use is widespread, but digital platforms are rife with disinformation campaigns and propaganda, leading to confusion and low levels of trust among consumers.

The civil conflict and related violence by criminal and extremist groups have made objective reporting dangerous, and journalists are subject to intimidation, arbitrary detention, and physical abuse by both sides in the conflict. Despite the risks, some independent journalists and outlets have made efforts to engage in fact-based reporting. In September 2021, freelance journalist Ismail Abuzreiba al-Zway was freed after three years of arbitrary detention for his work with a private Libyan television network, al-Nabaa, which Haftar's LAAF accused of supporting terrorism. Al-Zway had been sentenced to 15 years in prison following a widely-condemned May 2020 secret trial by a military court in Benghazi.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom is often violated in practice. Nearly all Libyans are Sunni Muslims, but Christian and other minority communities have been attacked by armed groups, including local affiliates of the Islamic State (IS) militant group. In eastern Libya, hard-line Salafi Muslims aligned with Haftar's forces control Benghazi's mosques and religious programming. Salafi militants, who reject the veneration of saints, have destroyed or vandalized Sufi Muslim shrines with impunity.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

There are no effective laws guaranteeing academic freedom. The armed conflict has damaged many university facilities and altered classroom dynamics; for example, professors can be subject to intimidation by students who are aligned with militias. Academic self-censorship is common among professors.

Universities face significant operational challenges, including a lack of infrastructure and limited funding for rebuilding schools, training teachers, and supporting researchers. In 2021, the Ministry of Education introduced new regulations aimed at curtailing the expansion of for-profit private universities and addressing the growing problem of forged university degrees, which are often used to falsely obtain government jobs.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Although the freedom of private discussion and personal expression improved dramatically after 2011, the ongoing hostilities have taken their toll, with many Libyans increasingly withdrawing from public life or avoiding criticism of powerful figures. Numerous examples of kidnappings and killings of activists, politicians, and journalists have added to the general deterrent effect. Conditions for personal expression are considerably worse in the east than in the west, where residents have somewhat more freedom to criticize government authorities though violent reprisals for critical speech have been reported in both areas.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

A 2012 law on freedom of assembly is generally compatible with international human rights principles, but in practice the armed conflict and related disorder seriously deter peaceful assemblies in many areas.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The number of active nongovernmental organizations (NGOs) has declined in recent years due to armed conflict and the departure of international donors. Militias with varying political, tribal, and geographic affiliations have attacked civil society activists with impunity. Many NGO workers have fled abroad or ceased their activism in the wake of grave threats to themselves or their families.

NGOs in Libya are largely overseen by the Civil Society Commission (CSC), a regulatory body established by the GNA's Presidential Council in 2018, though administration often differs between the east and west of the country. Many repressive Qadhafi-era laws regulating NGOs remain in force, and the CSC has been granted wide-ranging authority to restrict, suspend, and dissolve NGOs.

In July 2021, the GNU proposed a new freedom of association regulation, which would require existing NGOs to reregister with the government. The regulation also includes provisions that would give the government the authority to reject such registrations and to prevent NGOs from opening bank accounts; NGOs would also be required to obtain prior permission before accepting donations and communicating with international NGOs, including the United Nations (UN). Following the proposal of the freedom of association regulation, in October 2021, 16 Libyan organizations and 4 public figures drafted and presented an alternative law intended to guarantee NGOs' independence and operational freedom.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Some trade unions, previously outlawed, formed after 2011. However, normal collective-bargaining activity has been impossible in the absence of basic security and a functioning legal system.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The role of the judiciary remains unclear without a permanent constitution, and judges, lawyers, and prosecutors face frequent threats and attacks. The national judicial system has essentially collapsed, with courts unable to function in much of the country. Members of armed groups, militias and security forces continue to carry out extrajudicial killings, enforced disappearances, torture, sexual and gender-based violence, and arbitrary arrest and detention throughout Libya. The absence of the rule of law has enabled an environment of impunity, particularly with regards to severe human rights violations and war crimes committed by rival political and military factions in the east and west of the country. Judges and lawyers are frequently subjected to immense pressure from armed groups.

In the run-up to the 2021 elections, the judiciary was tasked with vetting presidential candidates and processing appeals to their candidacy. In December, the HoR passed and immediately enacted a law allowing the body to reshuffle members of the Supreme Judicial Council (SJC); the International Commission of Jurists (ICJ) condemned the HoR's actions as an attack on judiciary independence and the rule of law.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Since the 2011 revolution, the right of citizens to a fair trial and due process has been challenged by the continued interference of armed groups and an inability to access lawyers and court documents. Militias and semiofficial security forces regularly engage in arbitrary arrests, detentions, and intimidation with impunity. Thousands of individuals remain in

custody without any formal trial or sentencing. The LAAF's military courts routinely flout basic standards of due process and are used to suppress dissent.

Many NGOs work to document and raise awareness of human rights violations, and advocate for victims of such violations, using international institutions such as the UN Human Rights Council (OCHCR) and the International Criminal Court (ICC).

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Libya's warring militias and their foreign partners operate with little regard for the physical security of civilians. Various armed groups have carried out indiscriminate shelling of civilian areas, torture of detainees, summary executions, rape, and the destruction of property. Militias also engage in criminal activity, including extortion and other forms of predation on the civilian population.

According to the UNCHR, there are over 200,000 internally displaced persons (IDPs) in Libya; this number continues to decrease as a result of the cease-fire in October 2020, though many IDPs remain unable to return home.

Since the cease-fire in October 2020, a fragile peace has been maintained, though violent conflicts among rival armed groups have continued with some frequency.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Libyans from certain tribes and communities—often those perceived as pro-Qadhafi, including natives of the town of Tawergha—have faced discrimination, violence, and displacement. The Tebu and Tuareg minorities in the south also face discrimination.

Foreign migrant workers, asylum seekers, and refugees have been subject to severe mistreatment, including detention in squalid facilities by both state authorities and other armed groups.

Women are not treated equally under the law and face practical restrictions on their ability to participate in the workforce. Widows and displaced women in particular are vulnerable to economic deprivation and other abuses.

Under Libya's penal code, sexual activity between members of the same sex is punishable by up to five years in prison. LGBT+ people face severe discrimination and harassment, and have been targeted by militant groups.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

The 2011 constitutional declaration guarantees freedom of movement, but militia checkpoints restrict travel within Libya, while combat and poor security conditions more generally affect movement as well as access to education and employment.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While Libyans formally have the right to own property and can start businesses, legal protections are not upheld in practice. Businesses and homes have been damaged amid fighting or confiscated by militias, particularly in Libya's eastern regions. Ongoing insecurity has severely disrupted ordinary commerce, allowing armed groups to dominate smuggling networks and informal markets.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Laws and social customs disadvantage women in personal status matters including marriage and divorce. Libyan women with foreign husbands do not enjoy full citizenship rights and cannot transfer Libyan citizenship to their children. There are no laws that specifically address or criminalize domestic violence, and most such violence goes unreported due to social stigma and the risk of reprisals. The law imposes penalties for extramarital sex and allows rapists to avoid punishment by marrying their victims. Rape and other sexual violence have become increasingly serious problems in the lawless environment created by the civil conflict.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

There are few protections against exploitative labor practices. Forced labor, sexual exploitation, abuse in detention facilities, and starvation are widespread among migrants and refugees from sub-Saharan Africa, the Middle East, and South Asia, many of whom are beholden to human traffickers.

The International Organization for Migration (IOM) reported that there were more than 600,000 migrants representing at least 43 nationalities present in Libya at the end of 2021. Throughout 2021, voluntary return, resettlement, and evacuation flights were repeatedly halted by authorities. In October, a fact-finding mission appointed by the OCHCR reported that Libyan authorities are engaged in systematic and widespread human rights violations against the country's migrant population, resulting in the murder, torture, imprisonment, rape, and persecution of migrants.

Libya lacks comprehensive laws criminalizing human trafficking, and the authorities have been either incapable of enforcing existing bans or complicit in trafficking activity. Traffickers have taken advantage of civil unrest to establish enterprises in which refugees and migrants are loaded into overcrowded boats that are then abandoned in the Mediterranean Sea, where passengers hope to be rescued and taken to Europe. The voyages often result in fatalities. Libyan coast guard forces, which receive support from European governments, work to block such departures and have reportedly abused and exploited the passengers they intercept.

Liechtenstein

Population: 40,000

Capital: Vaduz

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Principality of Liechtenstein combines a powerful monarchy with a parliamentary system of government. The prince has an influential political role, which was enhanced by a constitutional referendum in 2003. Human rights and civil liberties are generally respected in the country.

KEY DEVELOPMENTS IN 2021

- Parliamentary elections in February resulted in gains for Liechtenstein's two governing parties, the Patriotic Union (VU) and the Progressive Citizens' Party (FBP).
-

In the closest election ever held in the country, the center-right VU beat the conservative FBP by only about 40 votes. The right-wing populist Independents (DU) lost all five of their seats, while a new right-wing party, Democrats for Liechtenstein (DpL), entered the parliament with two seats. After the elections, the VU and FBP once again formed a coalition government, with VU leader Daniel Risch replacing the FBP's Adrian Hasler as prime minister.

- In June, the Constitutional Court ruled that the country's ban on the adoption of children by same-sex couples was illegal. The ruling followed controversial remarks by the prince, who in February threatened a veto of any legislation that would allow the practice. The parliament had yet to act on the court's decision at year's end.

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

Liechtenstein has one of the most politically powerful hereditary monarchies in Europe. In a 2003 constitutional referendum, voters granted significantly more power to the prince. As head of state, the prince appoints the prime minister and cabinet on the recommendation of the parliament and has the authority to dismiss the government and dissolve the parliament.

Prince Hans-Adam II is the current head of state, but he delegated his governmental authority to his son, Hereditary Prince Alois, in 2004. Daniel Risch took office as prime minister in March 2021 after his party, the VU, renewed its governing coalition with the FBP following parliamentary elections. He replaced Adrian Hasler of the FBP.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Landtag, the unicameral parliament, consists of 25 deputies chosen by proportional representation every four years. International observers considered the 2021 parliamentary elections to be credible. The two ruling parties, the VU and FBP, increased their share of votes and both won 10 seats, while DU lost all of their five seats. The center-left Free List (FL) retained its three seats, and the newly established DpL, a DU splinter group, entered the parliament with two seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral framework provides a sound basis for democratic balloting. There are no formal provisions for election observation, but domestic and international observers are free to monitor the process. While voting is compulsory under the law, the rule is not enforced.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no onerous limits on the establishment or activities of political parties. The 8 percent vote threshold for representation in the parliament is comparatively high, though the 2013 elections marked the first time that four parties had won seats, and subsequent elections have also yielded representation for four parties. In 2019, an administrative court

ruled that the new DpL should be recognized by the government as a political party, which entitled it to public financing. The party, which went on to capture two seats in the 2021 elections, was founded by three lawmakers who left DU.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The unelected prince wields significant governmental authority, meaning the extent to which power can change hands through elections is limited. The FBP and VU have traditionally dominated the parliament, competing with each other and usually forming coalition governments. The FL has long served as an opposition party, and since 2013 DU and DpL have also acted as opposition forces in the legislature.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Although citizens' political choices are largely free from undue interference, the prince has the power to veto the outcome of national referendums and popular initiatives. He has occasionally threatened to use this power, thereby influencing the results. In a 2012 constitutional referendum, however, 76 percent of voters rejected a proposal to limit the prince's veto power.

Transparency of political financing remains a concern. In response to calls for reform by the Council of Europe's Group of States against Corruption (GRECO), the parliament in 2019 passed a modification of the law on party financing, stipulating that parties may no longer accept anonymous donations exceeding 300 Swiss francs (\$325). However, the law did not require parties to publicly disclose their known donors, and campaign financing remains largely unregulated.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Approximately one-third of the population consists of foreign nationals—mostly from neighboring countries—who do not have political rights in the principality. Under Liechtenstein's restrictive naturalization criteria, one must live in the country for 30 years, or marry a resident Liechtenstein citizen and live in the country for more than 10 years, to qualify for citizenship.

Women and members of ethnic minority groups generally enjoy formal political equality, though some disparities persist in practice. As part of a 2020 referendum, voters rejected a proposed change to the constitution that would have required the promotion of equal representation for women in politics. However, following the 2021 elections, the number of women in the parliament increased from three to seven.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Although elected executive and legislative officials set the policy agenda, the prince has significant governmental authority with no electoral mandate. He can dismiss the government and the parliament and veto both legislation and the outcome of public plebiscites.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Anticorruption laws are effectively implemented, and levels of corruption are reportedly low. However, a 2020 GRECO compliance report observed that Liechtenstein still

lacked a code of conduct for members of parliament, who are not currently required to declare assets or conflicts of interest.

C3. Does the government operate with openness and transparency? 4 / 4

Although there is no constitutional guarantee of access to information, laws are in place to provide for government transparency, and these are largely respected in practice.

The government has made efforts in recent years to increase transparency in the banking sector, which has historically been criticized for enabling foreign clients to hide wealth from their respective governments and potentially aiding corruption or other criminal activity. A 2019 report by the Organisation for Economic Co-operation and Development's Global Forum on Transparency and Exchange of Information for Tax Purposes concluded that Liechtenstein is largely compliant with international standards regarding beneficiary ownership, accounting, and banking.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The constitution guarantees freedom of the press, which is respected in practice. Liechtenstein has one private television station, one public radio station, and two main newspapers that are owned by the two major political parties. The local media sector lacks pluralism, but residents have access to foreign news outlets, including broadcasts from Germany, Austria, and Switzerland.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Although the constitution establishes Roman Catholicism as the state religion, religious freedom is constitutionally guaranteed and protected in practice. Catholic or Protestant education is mandatory in all primary schools, but exemptions are routinely granted. Islamic religious classes have been offered in some primary schools since 2008. All religious groups have tax-exempt status. Muslim groups have yet to obtain permission to establish a mosque or a dedicated Muslim cemetery; there is one Islamic prayer room, and churches open their facilities for use by other faiths upon request. In August 2021, the Islamic community submitted a petition to the parliament that called for equal rights and additional facilities; the parliament welcomed the document and referred it to the government.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely respected, with no significant restrictions by state or nonstate actors.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The law guarantees freedom of expression, but prohibits public insults directed against a race or ethnic group. The government is not known to improperly monitor private communications.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution guarantees freedom of assembly, and this right is respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Domestic and international nongovernmental organizations are able to function freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law facilitates the formation of trade unions and collective bargaining, and workers enjoy freedom of association in practice. The principality has at least one trade union. While a 2008 legal change removed a ban on strikes for civil servants, the right to strike in general is not explicitly protected by law. Major labor disputes are rare in the country.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 3 / 4**

The judiciary is generally independent and impartial, but the constitution gives the prince a powerful influence over the appointment of judges, meaning the process lacks a key element of democratic accountability. The selection board for judicial candidates is chaired by the prince or his deputy, whose assent is required for candidate recommendations; the rest of the board consists of the prince's appointees and representatives of the government and parliamentary parties. The recommended candidates are submitted for approval by the parliament and appointment by the prince. The 2020 GRECO report called for the selection board to include judges chosen by their peers, and for the appointment procedure to feature specific integrity criteria that candidates must meet.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The constitution provides for the right to a fair trial, and the rights of defendants are usually respected. Most trials are public, and defendants are considered innocent until proven guilty. In a 2017 report, the Council of Europe's Committee for the Prevention of Torture expressed concerns about some aspects of police custody procedures, including the fact that police can deny the presence of a lawyer during initial questioning.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Liechtenstein are largely free from the illegitimate use of physical force. Violent crime is extremely rare. While the country's small prison facility can hold up to 16 men and four women in short-term detention, those serving longer sentences are incarcerated in neighboring Austria.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The legal framework prohibits discrimination on various grounds, though some shortcomings remain. In 2018, the European Commission against Racism and Intolerance (ECRI) reiterated the need for Liechtenstein to ratify Protocol 12 to the European Convention on Human Rights, which provides a general prohibition against discrimination.

Despite the presence of antidiscrimination laws, women, particularly Muslim women, and LGBT+ people experience employment discrimination. Women continue to earn significantly less on average than their male counterparts. LGBT+ individuals face social stigma, and according to a leading human rights group, they often do not disclose their sexual orientation or gender identity out of fear of bias.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are no significant restrictions on freedom of movement in Liechtenstein. The social-distancing rules that have been imposed for certain periods since the beginning of the COVID-19 pandemic in 2020 are generally seen as a legitimate response to the public health threat.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal framework generally protects property rights and supports private business activity without undue restrictions. Nonresidents are not allowed to establish a business in Liechtenstein, but prospective business owners exploit loopholes to work around the law.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are largely protected. Same-sex registered partnerships are legal, and single LGBT+ people can adopt children, but same-sex couples cannot. In February 2021 the prince threatened a veto of any legislative move to allow adoption by same-sex couples, but the Constitutional Court ruled in June that the ban was illegal; at year's end the parliament had yet to act on the court's ruling.

Domestic violence and rape, including spousal rape, are illegal in Liechtenstein, and authorities effectively prosecute offenders and protect victims. Abortion is criminalized unless the pregnant individual is at risk of death or serious harm, or was under age 14 at the time of conception. A 2011 referendum proposal to expand the conditions for legal abortion was defeated by voters.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Liechtenstein is largely free from economic exploitation and human trafficking. Despite the country's overall wealth and low unemployment rates, however, relative poverty persists among some communities. Immigrants in particular often struggle to achieve economic security and social mobility.

Lithuania

Population: 2,800,000

Capital: Vilnius

Freedom Status: Free

Electoral Democracy: Yes

Overview: Lithuania is a democracy in which political rights and civil liberties are generally respected. Chronic problems including corruption and socioeconomic inequality often arouse public dissatisfaction with the government, political parties, and other institutions. Women, LGBT+ people, members of the Romany minority, and some other groups experience varying degrees of discrimination and underrepresentation in politics.

KEY DEVELOPMENTS IN 2021

- In July, Lithuanian authorities initiated a policy of asylum denial and pushback against migrants and refugees attempting to cross the border with Belarus; the Belarusian government had facilitated the passage of migrants to the borders of several European Union (EU) member states in response to sanctions against Minsk. By year's end, 8,000 people were prevented from entering Lithuania, while those who did enter the country faced significant restrictions.
- Several large protests over the government's COVID-19 policy were held in August, September, and November. Police and protesters clashed during the August rally in Vilnius, with officers using force to keep protesters away from the parliament building.

POLITICAL RIGHTS: 38 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president, whose main competencies as head of state pertain to foreign affairs, is directly elected for up to two five-year terms. The prime minister, who as head of government holds most executive authority, is appointed by the president with the approval of the Seimas (parliament). Recent executive elections have met democratic standards.

Centrist nonpartisan candidate Gitanas Nausėda was elected president in 2019 after his predecessor, Dalia Grybauskaitė, completed her second term of office. Nausėda took 66 percent of the vote in a runoff, defeating Ingrida Šimonytė, an independent lawmaker backed by the Homeland Union–Lithuanian Christian Democrats (TS-LKD), who took 33 percent. Šimonytė was appointed prime minister following the October 2020 parliamentary elections, taking office that December.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral, 141-seat Seimas includes 71 members elected in single-mandate constituencies and 70 chosen by proportional representation, all for four-year terms.

In the October 2020 elections, the center-right TS-LKD won 50 seats, while the then incumbent centrist-populist Farmers and Greens Union (LVŽS) won 32. Two socially liberal and probusiness parties, the Liberal Movement and the Freedom Party, respectively won 13 and 11 seats; they entered a coalition with the TS-LKD that November.

The center-left Lithuanian Social Democratic Party (LSDP) won 13, while the centrist-populist Labor Party won 10. Four other parties and independent candidates won the remaining seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legislative framework for conducting elections is consistent with democratic standards and generally well implemented. The Central Electoral Commission has typically operated and adjudicated election-related complaints in a fair manner.

In August 2020, the Constitutional Court ruled that the 2018 Law on Referendum was passed in an unconstitutional manner but left the law in place through July 2021. A new referendum bill passed its first reading in June 2021 and remained under parliamentary consideration as of September.

In April 2021, the Constitutional Court ruled that direct mayoral elections, which were introduced in 2015, contradicted the constitution. Its ruling will take effect in May 2023.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties generally operate freely. Citizens of other EU member states are eligible to join Lithuanian political parties but cannot found them.

The minimum number of members for political parties, which stands at 2,000, somewhat restricts the creation of new parties and the maintenance of small ones. Public funding rules generally favor the main parliamentary forces, as private financing of political organizations is tightly restricted. State subsidies are calculated according to electoral results and represent the main source of revenue for parties. Public election committees—a way for groups of citizens to run for municipal councils without joining or establishing a political party—have been an option since 2010, though they are not permitted for parliamentary elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Regular transfers of power between rival parties after elections have been the norm since the early 1990s, with left- and right-leaning coalitions alternating in government. Parties in opposition retain a significant presence in the Seimas.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Sporadic cases of vote buying during national elections have been observed, and clientelism can influence politics at the local level. However, voters and candidates are generally free to exercise their political autonomy without undue influence or interference.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

There are no formal restrictions on the political participation of women, LGBT+ people, or members of ethnic, religious, and other minority groups. Women and women's interests remain underrepresented in politics, though women hold 28.4 percent of Seimas seats as of December 2021. Moreover, the three leaders of the governing coalition are women, including Prime Minister Šimonytė and Viktorija Čmilytė-Nielsen, who serves as Seimas speaker and Liberal Movement leader. Šimonytė's cabinet approached gender balance, with women holding six of the 14 ministerial posts.

Political parties that are supportive of LGBT+ rights increased their parliamentary representation in 2020. The Freedom Party, founded in 2019, campaigned for marriage equality and had an openly gay candidate among its leaders; it won 9 percent of the national vote.

The Electoral Action of Poles in Lithuania—Christian Families Alliance, which represents members of the ethnic Polish minority, failed to clear the 5 percent vote threshold for proportional-representation seats in 2020 but won three seats in single-mandate districts.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The country's elected officials are able to determine and implement government policies without improper interference from unelected or foreign entities. However, corruption scandals have periodically raised concerns about the influence of major businesses on governance.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption remains an issue in Lithuania, and certain sectors, including health care and construction, are perceived as prone to malfeasance. While anticorruption bodies are active, there are usually considerable delays in the investigation and prosecution of political corruption cases.

The protection of whistleblowers and journalists who report on corruption cases is legally guaranteed, though such safeguards are upheld inconsistently at the local level.

C3. Does the government operate with openness and transparency? 3 / 4

Lithuanian law grants the public the right to access official information, and the government generally complies with such requests. However, the operations of state-owned enterprises (SOEs)—especially municipal SOEs—are somewhat opaque and prone to financial misconduct.

In a July 2021 report, the European Commission lauded new transparency rules for lobbying activities as well as improvements in the country's public procurement framework.

CIVIL LIBERTIES: 51 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

The government generally respects freedom of the press, and the media market is vibrant. However, the increasing concentration of media ownership in the hands of a small number of companies raises the risk of editorial interference by powerful political and business interests. Journalists often engage in self-censorship when reporting on certain large companies. Journalists face online harassment and abuse. The economic impact of the COVID-19 pandemic left the media more vulnerable to undue influence and affected the job security of journalists.

Because of a vaguely worded law restricting the dissemination of information that "abases family values," media outlets have faced pressure to limit coverage of LGBT+ issues.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is legally guaranteed and largely upheld in practice. However, nine so-called traditional religious communities, and particularly the Roman Catholic Church, enjoy certain government benefits, including annual subsidies that are not granted to other groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected, and the educational system is generally free from political influence.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The freedoms of personal expression and private discussion are generally robust and unrestricted. However, due to concerns about the Russian government's foreign policy, individuals who criticize government stances on security-related issues—including energy policy, military spending, conscription, and sanctions against authoritarian regimes—can face institutional scrutiny and societal marginalization.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is generally respected. Authorities restricted the size of gatherings and banned sports and cultural events for part of 2021 due to COVID-19. Restrictions on gatherings were loosened when a lockdown ended in July.

An LGBT+ pride parade took place in Kaunas in September 2021, though local authorities initially denied a permit in June; the Supreme Administrative Court allowed the parade to proceed in a final ruling in early September.

Several large protests over the government's COVID-19 policy were held in August, September, and November 2021. Police and protesters clashed during the August rally in Vilnius, with officers using force to keep protesters away from the Seimas building.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are able to register without facing serious obstacles, and they generally operate without undue restrictions in practice.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to form and join trade unions and engage in collective bargaining, though there have been reports of employees being punished for attempting to organize. Less than 10 percent of workers are trade union members, and the share of workers covered by collective agreements is similarly low. Changes to the labor code in 2017 required employers with at least 20 workers to initiate the election of a work council to represent employees' interests, if a union was not already established, though only unions can engage in collective bargaining. Strikes are relatively uncommon due to strict regulations, lack of strike funds, and the absence of a culture of industrial action.

F. RULE OF LAW: 11 / 16 (-1)**F1. Is there an independent judiciary? 3 / 4**

Although public confidence in the courts has been steadily improving in recent years, judicial corruption remains a significant concern. An extensive bribery scandal in 2019 eventually led to criminal charges against 12 senior judges, including a member of the Supreme Court. All 12 had been dismissed by the end of 2021.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Defendants generally enjoy the presumption of innocence and freedom from arbitrary arrest and detention, but detained suspects are not always granted timely access to an attorney. The law states that pretrial detention should only be employed in exceptional circumstances, and its use has declined in recent years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is largely free from major threats to physical security, and the homicide rate has declined in recent years, though it remains one of the highest in the EU.

Although the government has taken measures to improve the situation, conditions at some prisons are substandard, violence among prisoners remains a problem, and physical abuse of prisoners by correctional officers persists.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (-1)

The constitution guarantees equality before the law and forbids discrimination based on gender, race, language, and other categories. The laws provide similar protections against discrimination based on sexual orientation, though gender identity is not addressed. In practice, women generally earn less than men per hour worked, and both LGBT+ people and Roma experience societal discrimination. Ethnic Poles and members of other national minority groups have objected to limits on the use of their languages; public signs must be written only in Lithuanian, even in areas predominantly inhabited by people who speak different languages.

Authorities in Belarus allowed an increased number of migrants and refugees to enter their country as 2021 progressed. Minsk then facilitated their passage to the borders of EU member states including Lithuania. The Lithuanian government declared a state of emergency in July, as migrants began appearing at the border. Lithuanian authorities refused entry to many individuals, pushing them back to border control points; between August and December, border guards stopped over 8,000 people from entering the country. Those who were sent to a camp in Rūdninkai faced poor physical conditions; the government closed that camp by September and moved residents to a former correctional facility.

The Seimas also legislated to restrict the rights of migrants and asylum seekers. In July and August 2021, it passed laws restricting the rights of migrants and allowing the government to deny asylum applications at the border in some circumstances; in November, the Migration Department reported only 1 percent of asylum applications had been approved. In late December, the Seimas legislated to restrict the movement of migrants who arrived during a state of emergency.

Score Change: The score declined from 3 to 2 because Lithuanian authorities initiated a pushback policy against people attempting to cross the border with Belarus, denied nearly all requests for asylum, and restricted the movement of migrants within the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Residents of Lithuania may leave the country and travel internally without significant obstacles.

Pandemic-related movement restrictions are generally considered proportionate. In May 2021, the government introduced an electronic health pass for those who had been vaccinated against COVID-19 or recently tested negative. In September, the government restricted unvaccinated individuals from visiting stores selling nonessential goods and from attending indoor events.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Successive governments have worked to maintain a well-regulated market economy, and the legal framework generally protects property rights and the freedom to operate private businesses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual freedom regarding personal status matters such as marriage and divorce is generally upheld, but marriage is constitutionally defined as a union between a man and a woman. Same-sex partnerships are not legally recognized; a bill to allow same-sex civil unions did not receive sufficient support in a May 2021 Seimas vote.

Domestic violence remains a problem; it is one of the country's most reported crimes, but the rates of investigation and prosecution remain inadequate. A majority of cases reported to police in 2020 involved violence against women.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Legal protections against exploitative working conditions exist and are enforced in practice. However, the incidence rate for fatal workplace accidents in Lithuania is nearly twice the EU average according to Eurostat data dating back to 2018. Foreign workers in sectors such as construction and transportation are vulnerable to labor trafficking. Lithuanian women and children have been exploited for sex trafficking.

Luxembourg

Population: 600,000

Capital: Luxembourg

Freedom Status: Free

Electoral Democracy: Yes

Overview: Luxembourg is a constitutional monarchy with a democratically elected government. Political rights and civil liberties are generally respected. Ongoing concerns include insufficient government transparency and inadequate safeguards against conflicts of interest.

KEY DEVELOPMENTS IN 2021

- Parliament voted to initiate constitutional reforms that would strengthen judicial independence in October; to pass, the reforms must either be approved by two-thirds of the parliament in a second vote or in a national referendum. Despite criticism from some opposition parties, the ruling coalition and the Christian Social People's Party (CSV) decided not to put the amendment to a national referendum, and the reform process remained ongoing at year's end.
- In December, the parliament introduced new transparency regulations governing lobbyists' interactions with government officials.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister is the head of government and serves five-year terms. The leader of the majority coalition formed after parliamentary elections is appointed prime minister by the hereditary monarch, the grand duke, whose powers are largely ceremonial.

Incumbent prime minister Xavier Bettel of the Democratic Party (DP) was appointed to form a new government in October 2018 following that month's parliamentary election. The new government was based on the existing coalition of the DP, the Luxembourg Socialist Workers' Party (LSAP), and the Greens (DG). The election was considered credible.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral legislature, the Chamber of Deputies, consists of 60 members elected to five-year terms by proportional representation. In the October 2018 election, the DP led the ruling coalition parties with 12 seats, followed by the LSAP with 10 and the Green Party with 9. The main opposition party, the CSV, won 21 seats. The populist right-wing Alternative Democratic Reform Party (ADR) won 4 seats, while the Pirate Party and the Left each took 2. The contest was generally seen as free and fair.

Luxembourgers participated in the May 2019 European Parliament (EP) election; the DP won 21.4 percent of the vote, while the CSV won 21.1 percent, the Greens won 18.9 percent, and the LSAP won 12.2 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral laws and framework are considered fair, and they are generally implemented impartially. Voting is compulsory. In 2017, the government passed a law allowing postal ballots for all citizens.

A multiparty Constitutional Revision Committee completed its draft of a new constitution in 2018. Amendments to the constitution can take effect only after being approved by two-thirds of parliament in two separate votes, or by two-thirds of parliament in one vote plus a national referendum. The parliament passed the first of several planned reform packages with the required majority in October 2021, but despite criticism from some opposition parties, the ruling coalition and the CSV decided not to put the amendment to a national referendum. The reform process remained ongoing at year's end.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The political system is open to the establishment of new parties, which do not face undue obstacles in their formation or activities. Three parties have traditionally dominated politics: the CSV, historically aligned with the Catholic Church; the LSAP, a center-left party; and the DP, which favors free-market economic policies. Four smaller parties—the Greens, the ADR, the Left, and the Pirate Party—have also won representation. While constituting a party is relatively easy, the structure and size of electoral constituencies, as well as the 10 percent electoral threshold, favor larger parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has a record of peaceful transfers of power between rival parties. Both the DP and the Greens were in the opposition before forming the governing coalition with

the LSAP in 2013. The CSV, which had played a leading role in most governments since 1945, was forced into opposition in 2013 for the first time since 1979, and it remained out of government following the 2018 election.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Citizens are generally able to make political choices without undue interference from any democratically unaccountable groups. However, close links between the country's financial center and its law-making elites is regularly a topic of concern for the opposition and outside observers.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women engage actively in politics, and the government has taken measures to encourage greater participation. A 2016 law mandates that at least 40 percent of each party's electoral candidates be women; parties risk losing a portion of their public financing if they do not meet the quota. However, only 20 women hold elected seats in the Chamber of Deputies, which accounts for 33.3 percent of Parliament. Citizens who belong to ethnic minorities and LGBT+ people enjoy full political rights and are free to participate in practice. In 2013, Prime Minister Bettel became the nation's first openly gay person to hold his position.

About 49 percent of the population consists of foreign nationals, most of whom are citizens of other European Union (EU) member states, with Portugal accounting for the largest single contingent. The law allows naturalization and dual nationality, and children automatically gain citizenship when a parent is naturalized. Foreign residents are entitled to vote in municipal elections and EU foreigners can participate in EU elections. In September 2021, the government abolished a five-year residency requirement for voting in municipal elections; however, foreign residents are excluded from participating in national elections. Notably, politicians of foreign origin remain rare in Luxembourg, despite the background of nearly half the population.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The prime minister, cabinet, and parliament determine and implement the government's policies without improper interference from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption is not widespread in Luxembourg, and allegations of corruption are generally investigated and prosecuted. However, the Council of Europe's Group of States against Corruption (GRECO) has previously criticized the government for failing to develop a comprehensive strategy to prevent graft. In addition, rules on accepting gifts, lobbying, and mitigating conflicts of interest after government officials leave office are lacking. The European Commission repeated this criticism in July 2021, citing cases of former ministers joining the private sector without any real safeguards.

In 2020, a scandal regarding mismanagement at the royal court triggered a reform process aimed at making the missions of the royal family more transparent.

C3. Does the government operate with openness and transparency? 3 / 4

While the legislative process and government operations are largely transparent, there is no comprehensive freedom of information law in place, and the media and civil society groups often have difficulty obtaining official information in practice. Cabinet members are obligated to disclose any shares in companies that they own, but there are no penalties for those who do not cooperate.

Historically, regulations governing interactions between lobbyists and high-level government officials have been considered weak. New transparency regulations, requiring those representing interest groups to register their details before contacting members of Parliament, were passed by the parliament in December 2021 after several months of debate.

In February 2021, the EU introduced a new directive on public country-by-country reporting (CBCR), which will require firms throughout the bloc, including in Luxembourg, to disclose revenues and tax payments in an effort to promote tax transparency.

CIVIL LIBERTIES: 59 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Freedom of the press is guaranteed by the constitution and generally respected in practice. Luxembourg's media market is regulated by the Independent Luxembourg Broadcasting Authority (ALIA). A single conglomerate, RTL Télé Lëtzebuerg (RTL), dominates broadcast radio and television, though numerous print, online, and foreign news sources are also available and present a broad range of views. Internet access is not restricted.

The written press has historically tended to align with traditional parties. In 2020, the Belgian conglomerate Mediahuis purchased the Saint-Paul group, the owner of the country's largest daily newspaper, the *Luxemburger Wort*. Mediahuis claimed that the acquisition would result in no job losses, but 70 *Luxemburger Wort* employees were let go that December, a move criticized by analysts as potentially weakening the country's media environment.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is largely respected in practice. The state has historically paid the salaries of clergy from a variety of Christian groups, but a 2016 law ended the practice for all clergy hired after that point. Under the law, the government continued to provide some funding to six major recognized religious communities, including the Muslim community, based on their size. Religious instruction in secondary and primary schools was phased out in 2016–17. In 2018, the parliament adopted legislation that banned face coverings in schools, medical facilities, public buildings, public transport, and retirement homes. The law was widely understood to be aimed at Muslims, though the wearing of such garments is extremely rare in the country.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Freedom of expression is largely respected, and individuals can voice their political views without fear of retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is guaranteed by the constitution and generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are largely free to operate without any undue restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers are free to organize in trade unions and bargain collectively. The right to strike is guaranteed once conciliation procedures are formally exhausted. Employers are subject to penalties for antiunion discrimination.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

Judicial independence is generally upheld. Judges are appointed by the grand duke and cannot be removed arbitrarily.

Parliament conducted ongoing discussions in 2021 regarding a constitutional amendment that strengthens the independence of judiciary by establishing a Council of Justice, competent to nominate candidates for all judicial posts prior to their formal appointment by the executive (and formally by the grand duke). Composed of nine members, the council would also develop ethical standards and act as a watchdog for judges. The reform is expected to be adopted in 2022.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process is largely upheld in civil and criminal matters. Defendants have the right to a fair and public trial, and this right is generally respected. Police typically observe safeguards against arbitrary arrest and detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

There are no major threats to civilians' physical security. Prison conditions and protections against the illegitimate use of force are adequate, and violent crime is rare.

In September 2021, a man was attacked by a dog owned by a private security firm hired by the Luxembourg City government. The incident sparked a heated debate over the legality of the city's contract with the security firm, which had been accused of overreaching its authority earlier in the year; in November, local officials announced that the contract would not be extended past that month. An investigation into the incident was ongoing as of December.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Discrimination on the basis of race, religion, disability, age, sex, gender identity, or sexual orientation is prohibited by law. The rights of LGBT+ people are generally respected.

Women have benefited from reductions in the gender pay gap and an increase in their labor participation rate in recent years, though women still hold significantly fewer senior positions than men.

The Luxembourg government has instituted an onerous language requirement for those seeking public sector jobs and employment. Individuals in the public sector must speak German, French, and Luxembourgish fluently. However, very few official documents are in Luxembourgish, and exceptions to this requirement are made for high-level positions due to a lack of qualified candidates. The requirement funnels citizens into public sector positions, which are lucrative and secure, pushing immigrant workers into the unstable private sector in which there are other barriers to entry. Moreover, discrimination in the education system limits somewhat the economic potential of nonnationals.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individuals generally enjoy freedom of movement, and there are no significant restrictions on their ability to change their place of residence, employment, or institution of higher education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and operate private businesses are legally protected and respected in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Individual freedoms on issues such as marriage and divorce are generally guaranteed. Same-sex marriage has been legal since 2014, and same-sex couples have full adoption rights. Abortions are legal on request within the first trimester of pregnancy; later abortions require two doctors to determine that the pregnancy threatens the woman's life or health. The authorities generally uphold laws and practices meant to address rape and domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

The country's residents largely enjoy equality of opportunity, and the government enforces legal protections against exploitative working conditions. Occasional cases of forced labor in the construction and food-service industries have been reported, especially among migrant workers.

Madagascar

Population: 28,400,000

Capital: Antananarivo

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Though politics have been unstable since the return to electoral politics in 2013, the 2018 election of Andry Rajoelina has brought some stability. However, government corruption and a lack of accountability persist. Defamation and other laws restrict press freedom. Authorities deny permits for demonstrations and disperse some that take place. The government has struggled to manage lawlessness and poverty, particularly in the south.

KEY DEVELOPMENTS IN 2021

- In July, a few retired and active military officers were arrested for plotting to assassinate the president and overthrow the government. The two primary suspects, both of whom are Malagasy and French citizens and likely led the plot, were sentenced to 10 and 20 years of forced labor in December. Most of their accomplices were acquitted or received lesser sentences.
- In October, former prime minister Jean Ravelonarivo was convicted of corruption, fined 6 billion ariary (\$1.5 million), and sentenced to five years in prison. Ravelonarivo did not attend his trial and allegedly fled to Switzerland days before the court ruled on his case. Ravelonarivo's accomplices—including Raoul Arizaka Rabekoto, the director of the state company who likely masterminded their embezzlement scheme—also fled the country.

POLITICAL RIGHTS: 27 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Madagascar is a semi-presidential republic, with a president elected for a five-year term and a prime minister nominated by the National Assembly and appointed by the president.

Andry Rajoelina defeated Marc Ravalomanana in the 2018 presidential election's second round of voting with 55.7 percent of the vote, which the High Constitutional Court (HCC) confirmed despite allegations of fraud. Most regional and international election observers also recognized the election as generally free and fair.

Prime Minister Christian Ntsay, who was appointed by former president Hery Rajaonarimampianina in 2018, was reappointed by President Rajoelina in 2019.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The bicameral legislature consists of the 151-seat National Assembly and the 18-seat Senate. Members of the National Assembly are directly elected to five-year terms.

In March 2020, the National Assembly passed a measure, approved by President Rajoelina, that reduced the size of the Senate from 63 to 18 seats. Six of these seats are appointed by the president; the remaining 12 are indirectly elected from an electoral college. Senators serve five-year terms. Critics claimed the downsizing of the Senate was politically motivated, as the opposition led by former president Rajaonarimampianina's New Forces for Madagascar (HVM) party had dominated the body. The Senate elections in December 2020 were boycotted by nearly all opposition parties, and Rajoelina's political alliance won 10 out of 12 seats; the vote was deemed free and fair by most election observers, despite the boycott.

A political alliance led by President Rajoelina won 84 National Assembly seats in the 2019 parliamentary elections, while former President Ravalomanana's I Love Madagascar (TIM) party won 16; the remaining 51 were won by other parties and independent candidates. The contest was deemed free and fair by election observers, though some political parties claimed that the results were marred by fraud.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Independent National Electoral Commission (CENI) is subject to some influence by the executive, which controls member nomination and budget allocation processes. The CENI's independence and credibility has been seriously undermined by its lack of resources and expertise, particularly in database management and information technology. After CENI vice president Thiery Rakotonarivo revealed in March 2020 that over a million people would likely have the same national identity card numbers as others on the voter roll, he was forced to resign.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Almost 200 political parties are registered in Madagascar. However, the law on political parties is widely viewed as a flawed document that places undue burdens on individual candidates, effectively instituting a high financial barrier for political candidacy. Political leaders frequently use religion, ethnicity, and caste as instruments to mobilize voters.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties can increase their support through elections, but most political parties lack the financial resources to engage in vibrant competition. The government has historically denied opposition parties permits to hold demonstrations.

The TIM claimed that a 2019 law passed by the National Assembly requiring elected officials to hold official status as the parliamentary opposition targeted their party leader Ravalomanana, who had not assumed elected office. Though the Senate initially delayed its passage and proposed amendments to the bill, the law passed without amendment in May 2021.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Economic networks compete for power through strategic support of political candidates. In turn, a narrow group of political elites maintain their status by supporting the interests of their private-sector patrons. As a result, lines between public and private expenditures are blurry.

The military has some influence over politics, and it threatened to intervene during a 2018 political crisis. In July 2021, a few retired and active military officers were arrested for plotting to assassinate the president and overthrow the government. The two primary suspects, both of whom are Malagasy and French citizens and likely led the plot, were sentenced to 10 and 20 years of forced labor in December. Most of their accomplices were acquitted or received lesser sentences.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The constitution guarantees political and electoral rights for all citizens, but in practice, discrimination impedes the political representation of some groups. The members of the Merina ethnic group are overrepresented in government institutions compared to the members of the other seventeen prominent ethnic groups. While some LGBT+ people are active

politically in the capital, they face social stigma that discourages political participation and open advocacy for LGBT+ rights.

Cultural norms restrict the political participation of women, who hold 18 percent of National Assembly seats. Muslims are disproportionately affected by the nationality code, which can make it difficult for them to secure citizenship documents and thus voting rights. Ethnicity and caste are important political determinants, but generally do not affect political rights.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Since his 2018 election, President Rajoelina has brought some stability to government, which had experienced frequent replacements of the prime minister and cabinet members since the 2013 return to electoral politics. However, the current parliament lacks the strength to act as an effective check on executive power. Additionally, economic elites exert significant influence on elected officials.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious problem in Madagascar, though a series of recent reforms and anticorruption strategies aim to address it. Investigations and prosecutions of corruption by the Independent Anticorruption Bureau (BIANCO) are infrequent and rarely target high-profile individuals, though the agency has become more independent in recent years. BIANCO has identified least 79 lawmakers who have accepted bribes; prosecutors had not pursued cases against them by the end of 2021. In 2019, BIANCO submitted a report to the High Court of Justice (HCJ) implicating three former ministers in acts of corruption; the court has not yet reviewed the allegations. In October 2021, former prime minister Jean Ravelonarivo was convicted of corruption, fined 6 billion ariary (\$1.5 million), and sentenced to five years in prison. Ravelonarivo did not attend his trial and allegedly fled to Switzerland days before the court ruled on his case. His accomplices—including Raoul Arizaka Rabekoto, the director of the state company who likely masterminded their embezzlement scheme—also fled the country.

C3. Does the government operate with openness and transparency? 2 / 4

The constitution provides for the right to information, but no law defines a formal procedure for requesting government information. However, ministers and officials often hold press briefings, and laws, decrees, and high court decisions are posted on the internet.

There is little oversight of procurement processes. Asset declarations are required for most government officials, and while many complied with these laws, there are few practical consequences for those who refuse.

CIVIL LIBERTIES: 34 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (+1)

D1. Are there free and independent media? 2 / 4

The constitution provides for freedom of the press. However, this guarantee has been undermined by criminal libel laws and other restrictions, as well as safety risks involved in the investigation of sensitive subjects such as cattle rustling and the illicit extraction and sale of natural resources.

During 2020 and 2021, the government targeted and harassed journalists and media outlets critical of its response to the COVID-19 pandemic. In April 2021, the government

ordered television and radio stations to uphold a “letter of commitment” that they would ban all programming that would spread alleged misinformation about the COVID-19 pandemic and “threaten public order and security.”

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is provided for in the constitution, though this right is upheld inconsistently. Religious leaders have noted that some workers have been unable to practice their religion due to poor enforcement of labor laws. The government has historically restricted the Muslim community’s access to education by threatening to close down Islamic schools. Several church facilities have been attacked by armed individuals in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected. However, a lack of resources and frequent strikes hamper normal operations of public universities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (+1)

There were no official reports of the government monitoring online activity. However, a cybercrimes law prohibits online defamation and spreading “false information,” and has been used to prosecute social media users.

In October 2020, former communications minister Harry Laurent Rahajason was sentenced to 44 months in prison after supporting a protest through social media. Though his arrest and others have deterred individuals from speaking freely online, particularly about the government’s handling of the COVID-19 pandemic, the authorities did not pursue legal action against those who criticized them in 2021.

Score Change: The score improved from 2 to 3 because there was no repetition of the previous year’s high-profile prosecutions for critical online speech about the government’s handling of the COVID-19 pandemic.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but authorities have sometimes declined requests for protests and rallies in the name of public security.

In December 2021, former president Ravalomanana’s political party was prevented from holding a rally in the south of the country. That same month, various consumer protection associations were denied the right to organize a march against price inflation in the capital.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Freedom of association is provided for in the constitution and is generally respected. A wide variety of nongovernmental organizations (NGOs) are active, but many domestic human rights groups lack resources. Although no restrictions are placed on NGOs, the government is not always receptive to their opinions. Groups focused on the environment or human rights face pressure from powerful interests.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to join unions, engage in collective bargaining, and strike. However, more than 80 percent of workers are engaged in agriculture, fishing, and forestry at a subsistence level, and therefore have no access to unions.

F. RULE OF LAW: 7 / 16**F1. Is there an independent judiciary? 2 / 4**

The executive influences judicial decisions through the reassignment of judges. Trial outcomes are frequently predetermined, and the Malagasy people generally regard the judiciary as corrupt. Local tribunals are seen as overburdened and corrupt.

In recent years, key HCC rulings have reflected its growing independence from the executive. However, the HCC has at times approved Rajoelina's actions and disregarded legitimate allegations of corruption, despite legitimate protests from the opposition.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are poorly upheld. A lack of training, resources, and personnel hampers the effectiveness of the criminal justice system. Many people held in pretrial detention do not have access to lawyers, and the successful assertion of due process rights is often tied to the ability of family and friends to intercede on behalf of the accused.

The government has increased funding for the judiciary, launched capacity-building efforts, and pardoned individuals detained over minor offenses as part of a new policy supported by the UN Office of the High Commissioner for Human Rights (OHCHR). In 2019, the government also instituted the use of "fair ground hearings" to alleviate the pretrial backlog.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The police and military are unable to assert authority over the entire country, and areas in southern Madagascar are subjected to raids and violence by bandits and criminal groups. Security forces operate with little oversight or accountability for extrajudicial killings, particularly against cattle thieves. Nevertheless, since 2020, new military bases were built in these areas that were traditionally called "red zone" or under the control of the *dahalo*.

Detainees and prisoners suffer from harsh and sometimes life-threatening conditions due to overcrowding in detention facilities (though new facilities have been built to address this issue), as well as substandard hygiene and health care. People convicted of serious crimes can be sentenced to hard labor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Legal provisions prohibit discrimination based on race, gender, disability, and social status, but these are upheld inconsistently. Conservative cultural and social norms can prevent women from having the same opportunities as men. Some ethnic groups face discrimination outside of their home regions.

There are no legal protections against discrimination based on sexual orientation or gender identity; LGBT+ people face social stigma, particularly in rural areas, and experience employment discrimination and occasional acts of violence. The age of consent for same-sex relations is 21, but 14 for heterosexual relations. In July 2021, the Interior Ministry shut down an LGBT+ party held in a bar in Antananarivo for allegedly "undermining good morals" and "inciting debauchery."

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The government generally does not interfere in freedom of movement; individuals are allowed to move freely in the country and can travel internationally. However, bandit attacks in the south and west have made traveling across the island difficult.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Madagascar's legal structure provides protections for private property rights, though enforcement of these protections is inconsistent, in part because most farmers do not hold official rights to their land. There is a history of competition between the state-recognized property rights system and customary land use practices, as well as attempts by the state to permit mining, commercial agriculture, and other economic pursuits on land where ownership is disputed.

In recent years, Madagascar has made it easier to start a business by reducing the number of registration procedures and simplifying the payment of registration fees.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women and children have limited social freedoms in Madagascar, especially in rural areas. Forced child marriage and domestic abuse are common. Although sexual harassment is illegal, the law is not enforced, and harassment is common. Abortion is illegal in Madagascar.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Most people work in subsistence agriculture, making advancement in the local economy extremely challenging.

According to the US State Department's *2021 Trafficking in Persons Report*, the Malagasy government does not scrutinize officials implicated in trafficking, though it does provide some services to victims and convicted traffickers in 2020 for the first time in four years.

Malawi

Population: 20,300,000

Capital: Lilongwe

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Malawi holds regular elections and has undergone multiple transfers of power between political parties, most recently in June 2020. Political rights and civil liberties are for the most part respected by the state. However, corruption is endemic, police brutality is common, and discrimination and violence toward women, members of minority groups, and people with albinism remain problems.

KEY DEVELOPMENTS IN 2021

- Although the government has committed to addressing corruption, several senior officials were implicated in corruption scandals during the year. In August, the
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minister of energy, the president's chief advisor on strategy, and the president of the Alliance for Democracy (AFORD) party were arrested for allegedly attempting to influence the selection of companies to supply oil to the National Oil Company of Malawi.

- During the first half of the year, the government threatened to withhold union membership fees, which are normally automatically withdrawn from teachers' salaries, after the Teachers Union of Malawi (TUM) organized a series of strikes demanding high-risk pay and COVID-19 protective equipment. In July, Parliament passed the Labour Relations (Amendment) Act, which provides for an employer's right to deduct wages from an employee who goes on strike for more than three days a year.

POLITICAL RIGHTS: 29 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected for five-year terms and exercises considerable executive authority. President Chakwera of the Malawi Congress Party (MCP) was elected in June 2020 after receiving 59.34 percent of the vote. Voter turnout reached 64.81 percent. Although election observers were not present due COVID-19-related travel restrictions, the elections were generally considered well-administered, competitive, and credible, reflecting the will of Malawian voters. In August 2021, the Democratic Progressive Party (DPP), which took the second highest vote shares in the election, petitioned the Malawi High Court to nullify Chakwera's victory. In November, the High Court dismissed the petition.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The unicameral National Assembly is composed of 193 members elected by popular vote to serve five-year terms. The 2019 legislative elections were marked by numerous irregularities and logistical problems. As many as 29 legislative candidates challenged the results in court, and up to 7 candidates were successful. The DPP won 62 seats, followed by the MCP with 55, and the United Democratic Front (UDF) with 10. Smaller parties and independent candidates won the remaining 65 seats. Fourteen legislative by-elections were held in December 2020 and throughout 2021, seven of which were due to the deaths of sitting legislators who contracted the coronavirus; the MCP won six of the open seats. The term of the current Parliament was extended to align the next legislative elections with the presidential election in 2025.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Membership of the Malawi Electoral Commission (MEC) was reconstituted in June 2021, following a High Court ruling determining that four previous MEC commissioners had been illegally appointed. During 2021, the MEC initiated a program to redraw constituency boundaries to ensure a more equitable distribution of voters in each legislative district.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

There are few significant obstacles to the formation of political parties. While several parties compete in practice, they are loosely organized, with politicians frequently moving between parties or forming their own breakaway groups. Many candidates choose to run as independents in elections. The main political parties are the MCP, the DPP, and the UDF. The DPP, the largest party in the National Assembly, expelled four of its top leaders October 2020 who butted heads with former president Peter Mutharika, who continues to hold significant influence. The four members successfully challenged their expulsion in court, which ordered their interim reinstatement in August 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Malawi has experienced peaceful transfers of power between rival groups. Opposition parties hold seats in Parliament and, ahead of the 2020 presidential election, were able to mobilize and pass several laws to facilitate the fairness of the polls, despite resistance from the ruling party. The 2020 elections were the first time an opposition party defeated an incumbent since the transition to democracy in 1994.

The governing party generally has a campaigning advantage. Media coverage on the state-owned broadcaster, the Malawi Broadcasting Corporation (MBC), has historically been partial to the DPP, compelling the opposition to rely on private media to convey their message to the public.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Traditional chiefs, who wield some authority and receive government honoraria, are supposed to be nonpartisan figures under the law but frequently seek to influence voter choices in practice. Some chiefs publicly endorse candidates during elections and even threaten opposition candidates seeking to campaign in their regions.

The Political Parties Act bans politicians from using cash handouts and other incentives to garner votes. Despite this, a 2020 study by Afrobarometer found that around 16 percent of Malawians had reported being offered food, a gift, or money in return for their vote by a candidate or someone from a political party in the 2019 elections and subsequent byelections.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All ethnic, religious, and gender groups have full political rights under the law. However, women are significantly underrepresented in politics and decision-making positions and remain less likely than men to be politically involved. None of the few women candidates for the 2021 legislative byelections won. Only 41 of the 193 seats in the National Assembly and 12 posts in the 31-member cabinet are held by women. Catherine Gotani Hara serves as the speaker of Parliament, the first woman in the country's history to do so.

Political parties generally do not advocate for the rights of LGBT+ people, who are subject to legal and societal discrimination.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Executive and legislative representatives typically determine the policies of government without hindrance. However, patronage and clientelism are common, and wealthy business leaders often influence policymaking.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption is a significant challenge in Malawi. Although the Chakwera government has committed to addressing the issue, several senior members of his government have been implicated in corruption scandals. In April 2021, an audit of funds to combat the COVID-19 pandemic reported numerous improper payments, abnormal allowances, inaccurate records, and wasteful spending without accurate budgets. Chakwera dismissed the minister of labor later that month in response to the report. In August, the minister of energy, the president's chief advisor on strategy, and the president of AFORD, were arrested for allegedly attempting to influence the selection of companies to supply oil to the National Oil Company of Malawi.

Civil society leaders have accused the Anti-Corruption Bureau (ACB), which is responsible for investigating corruption cases, of being ineffective and politically compromised.

President Chakwera has been criticized for appointing family members to high-ranking government positions. In July 2021, he appointed his daughter as Third Secretary to the Malawian embassy in Brussels, and has also appointed his son-in-law, close friends, and relatives of his friends to positions within his cabinet.

C3. Does the government operate with openness and transparency? 3 / 4

The government lacks budgetary transparency, and the government does not make year-end budget audit reports public. President Chakwera has provided regular updates on his government in weekly radio addresses and has appeared twice before Parliament to answer questions from legislators, a legal requirement for his position that previously was not honored.

High-level officials are legally required to declare their assets and other financial interests while in public service, which Chakwera did in August 2020.

CIVIL LIBERTIES: 37 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 2 / 4**

Freedom of the press is legally guaranteed and historically respected in practice. However, news outlets have experienced intimidation and undue regulatory interference in recent years. Most private media houses are owned by political families and often take partisan positions. Journalists sometimes face physical violence while reporting on demonstrations or police activity.

A vaguely worded 2016 cybersecurity law criminalizes the posting of "offensive" content online, which could place journalists at risk of prosecution.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution upholds freedom of religion, and this right is generally respected in practice. Squabbles between Christians and Muslims occasionally flare up but are often peacefully resolved.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Malawi's education system is largely free from political indoctrination. University students and professors engage in research and political activities without interference.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Citizens are typically free to express their personal views without fear of surveillance or retribution. According to a 2020 Afrobarometer survey, 62 percent of Malawians said that they are free to say what they think. However, according to the survey, many Malawians do not feel comfortable criticizing the government and engage in self-censorship. Under the 2016 cybercrime law, individuals can be sued for posting “offensive” content on social and traditional media platforms. A 1967 law against insulting the president of Malawi remains in the penal code, though it is rarely enforced. Civil society leaders have expressed suspicions that the government monitors their electronic communications with technology introduced in 2017.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is guaranteed in the constitution. Citizen groups can assemble peacefully, although public gatherings require prior police and local government authorization. Major demonstrations during 2021 included protests over allegations that government officials had embezzled funds allocated to combat the COVID-19 pandemic. However, throughout the year, the government maintained restrictions on the size of public gatherings ostensibly to contain the spread of the coronavirus. In August, leaders of the Center for Democracy and Economic Development Initiatives (CDEDI) were arrested for organizing an “illegal assembly” outside Parliament for defying the Lilongwe City Council’s refusal to authorize their demonstration.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) are active in Malawi. Civil society figures deemed to support the opposition have been subject to intimidation and arrests. Bon Kalindo, who led protests over the rising cost of living in December 2021, was arrested and later released on police bail. NGO operations are somewhat constrained by onerous regulations. Under the NGO Act, an organization’s registration can be suspended if it is deemed to have departed from its original purpose, engaged in partisan politics, or violated any provisions of the law, among other grounds.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The rights to organize labor unions and to strike are legally protected, though these are limited for workers in poorly defined essential services. Unions are active and collective bargaining is practiced, but retaliation against unregistered unions and strikers is not illegal.

During the first half of 2021, the government threatened to withhold union membership fees, which are normally automatically withdrawn from teachers’ salaries, after the TUM organized a series of strikes demanding high-risk pay and COVID-19 protective equipment. In July, Parliament passed the Labour Relations (Amendment) Act, which provides for an employer’s right to deduct wages from an employee who goes on strike for more than three days a year.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 3 / 4

Judicial independence is generally respected, particularly in the higher courts. However, the appointment process for judges lacks transparency, and the judiciary is underfunded, which can also undercut judicial autonomy. President Chakwera appointed 12 new High Court judges in 2020.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Arbitrary arrests and detentions are common. Defendants are entitled to legal representation, but in practice they are frequently forced to represent themselves in court. Although the law requires that suspects be released or charged with a crime within 48 hours of arrest, these rights are often denied. Case backlogs contribute to lengthy pretrial detention; those awaiting trial make up about 18 percent of the prison population.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Police are poorly trained and often ineffective. There are frequent accusations of favoritism in the recruitment of police trainees. Police brutality and extrajudicial killings are not uncommon. Prison conditions are dire and characterized by overcrowding, and many prisoners and prison guards contracted COVID-19 during 2021. In December 2021, the Malawi Prison Inspectorate reported that Malawi's prisons capacity was at 278 percent.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution explicitly guarantees the rights of all humans. A 2020 Afrobarometer survey found that 76 percent of Malawians said they have never experienced unfair treatment based on their ethnic identity. However, same-sex relations remain a crime punishable by up to 14 years in prison. LGBT+ people are subject to arbitrary arrest and detention and are sometimes physically assaulted while in custody.

Despite constitutional guarantees of equal protection, women experience discrimination in education, politics, employment, business, and other aspects of life. People with albinism experience discrimination and have been attacked, abducted, killed, and mutilated.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The constitution establishes freedom of internal movement and foreign travel, which are generally respected in practice for Malawians. However, the government maintained several restrictions on domestic and international travel throughout 2021 to contain the spread of the COVID-19 pandemic. Police roadblocks are ubiquitous in Malawi and bribes are common at checkpoints. According to the United Nations (UN), the government's policy of confining refugees to designated camps restricts their freedom of movement and impairs their ability to earn a living. Police frequently round up those found outside of the camps and return them.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are inadequately protected. Most land is held under customary tenure, and the process of creating titles that would allow legal ownership of land has moved slowly. A 2016 survey by the Local Government Performance Index (LGPI) established that only 13 percent of Malawian households have documentation proving land ownership. Women are at a disadvantage regarding property ownership and inheritance. Starting a business can be a cumbersome process that is worsened by corruption in key government agencies.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Domestic violence is common, but victims rarely come forward, and police generally do not intervene in domestic violence cases. Child sexual abuse is prevalent. Approximately 42 percent of women marry before they turn 18, in violation of the law. Customary leaders have spoken out against, and in some cases forced the annulment of underage marriages.

In June 2021, legislators withdrew a bill that sought to allow termination of pregnancy when the pregnant person's mental or physical health is in danger, in cases of incest and rape, and when there are serious fetal abnormalities. The law was withdrawn after religious and local leaders expressed significant opposition.

Authorities have taken some action against perpetrators of sexual abuse in recent years. In July 2021, the government compensated a group of women who had been raped and sexually assaulted by police officers during protests in 2019. However, none of the implicated police officers have faced legal consequences.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Revenues from large, state-run industries tend to benefit the political elite. Income inequality remains a problem and inhibits economic mobility. In 2020, government raised the tax-free income bracket by more than 100 percent.

Enforcement of labor laws is weak, and employees are often paid extremely low wages, despite minimum-wage laws. Child labor is a persistent problem, particularly on tobacco estates.

Malaysia

Population: 32,800,000

Capital: Kuala Lumpur

Freedom Status: Partly Free

Electoral Democracy: No

Overview: The Barisan Nasional (BN) political coalition ruled Malaysia from independence in 1957 until 2018, maintaining power by manipulating electoral districts, appealing to ethnic nationalism, and suppressing criticism through restrictive speech laws and politicized prosecutions of opposition leaders. The BN lost to an opposition alliance in the 2018 general elections. However, a period of political turbulence and realignment in early 2020 culminated in a new governing coalition that included parties central to the pre-2018 regime. That government was resistant to governance reforms. Concerns about narrowing freedoms persist.

KEY DEVELOPMENTS IN 2021

- Authorities relied on movement restrictions to curb the spread of COVID-19, with internal travel being restricted for much of the year. The government instituted a total lockdown in June and extended it indefinitely later that month, citing the coronavirus's continuing spread; authorities detained scores of people for violating lockdown restrictions. Malaysia reported 2.6 million COVID-19 cases and 30,991 deaths to the World Health Organization (WHO) by year's end.
 - In January, then prime minister Muhyiddin Yassin, citing rising COVID-19 cases, announced a state of emergency that allowed him to rule by decree. Opposition lawmakers derided the decision, accusing Muhyiddin of using the pandemic to
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avoid a no-confidence vote and protect the Perikatan Nasional (PN) coalition's slim majority. Parliament was reconvened in late July, while the state of emergency expired on August 1.

- In mid-August, Muhyiddin resigned as prime minister, a month after the United Malays National Organisation (UMNO), the largest party in the coalition, withdrew its support. Ismail Sabri Yaakob of the UMNO succeeded Muhyiddin in late August, commanding a slim parliamentary majority.
- In February, the Federal Court found news site Malaysiakini guilty of violating the Evidence Act, issuing a 500,000-ringgit (\$120,000) fine. Malaysiakini visitors had criticized the judiciary in comments posted to an article in 2020.

POLITICAL RIGHTS: 20 / 40 (-1)

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The prime minister is the head of government and chief executive. Though formally appointed by the monarch, the authority of the prime minister and cabinet is based on the support of a majority in the lower house of Parliament. In August 2021, the monarch appointed Ismail Sabri Yaakob of the UMNO to succeed Muhyiddin Yassin of the Malaysian United Indigenous Party as prime minister. The UMNO, the largest party in the PN, had withdrawn its support of Muhyiddin in July, prompting his mid-August resignation.

The monarch, known as the Yang di-Pertuan Agong, is elected for five-year terms by and from the hereditary rulers of 9 of Malaysia's 13 states. Sultan Abdullah of Pahang was chosen as head of state in 2019, following the abdication of his predecessor.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The upper house of the bicameral Parliament, the Senate or Dewan Negara, consists of 44 members appointed by the monarch on the advice of the prime minister and 26 members elected by the 13 state legislatures, serving three-year terms. The Senate has limited power to amend or block legislation passed by the lower house. The House of Representatives, or Dewan Rakyat, has 222 directly elected seats for single-member constituencies.

The Pakatan Harapan (PH) coalition won the 2018 elections despite lopsided electoral conditions that gave the BN significant advantages, such as gerrymandered and malapportioned voting districts, weak campaign-spending regulation, and legal constraints on media independence. Parliament has since realigned; the PN took power in 2020 with the same lower house that had been won by the PH in 2018, while Prime Minister Ismail Sabri gained the support of 114 lawmakers to assume his post in August 2021.

Elections were held in Melaka State in November 2021, after the UMNO chief minister lost a majority in the state assembly. The UMNO and its allies won 21 seats, while the PH won 5. Voters participated in state assembly elections in Sarawak in December. The Sarawak Parties Alliance, which backs the UMNO-led national government, won 75 of the assembly's 82 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The Election Commission (EC), which administers elections and is responsible for voter rolls and the delineation of electoral boundaries, was seen as subservient to BN, with members appointed by the king on the advice of the prime minister.

In December 2021, constitutional amendments lowering the voting age to 18 and establishing automatic voter registration took effect. The amendments were originally approved by Parliament in 2019.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

The Malaysian party system is diverse and competitive, but groups that challenged BN rule prior to 2018 often faced obstacles such as unequal access to the media, restrictions on campaigning and freedom of assembly, and politicized prosecutions. The entrenched culture of political interference has persisted since the BN's defeat.

The Registrar of Societies (ROS), which is overseen by the home minister, manages the registration of political parties and has issued partisan decisions under BN, PH, and PN governments. The Malaysian United Democratic Alliance applied for ROS recognition in 2020, but its registration was rejected in January 2021 and its appeal was denied in August. In December, however, the High Court ordered the home minister to register the party. In May, the Parti Pejuang Tanah Air (Fighters of the Nation Party), which is led by former prime minister Mahathir Mohamad, accused the ROS of ignoring its appeal for registration. The ROS approved its application in July.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Although opposition parties have long governed in a number of Malaysia's states, the 2018 elections that brought the PH to power represented the country's first democratic transfer of power between rival political groups at the federal level since independence.

In 2020, coalitional realignment led to the formation of the PN, while the PH returned to opposition status. In August 2021, the PN's prime minister, Muhyiddin, resigned after losing his parliamentary majority. While the PH came close to returning to power, Ismail Sabri of the UMNO succeeded Muhyiddin with a majority that largely resembled the status quo.

The PH maintains significant influence despite its status, owing to the Ismail Sabri government's slim majority. Under a September 2021 agreement between the two sides, the PH vowed not to oppose a negotiated budget, while the government agreed to enact measures including lowering the voting age.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The military is not active in politics, and foreign powers do not directly meddle in domestic political affairs. However, the BN maintained close ties with China while it was in power.

During its decades in power, the BN built strong connections with Malaysia's business elites and used these relationships to influence electoral outcomes. The PN used government-linked companies, official monopolies for certain goods and services, and state investment vehicles for political purposes.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Suffrage is universal for adult citizens. However, social and legal restrictions limit political participation among some minority groups. The UMNO and the Islamic Party are

defenders of long-standing policies that favor the ethnic Malay and Muslim majority. The Malaysian Chinese Association has attracted support from among the ethnic Chinese community—which represents 21 percent of the country’s population—and has in the past supported the BN. Ethnic Indians represent 6 percent of the population; 16 ethnic Indian lawmakers were elected in 2018. The PN featured minimal representation and participation of Chinese and Indian minorities but did include representatives of ethnic groups from Sabah and Sarawak states, which are located on the island of Borneo. Indigenous representation is poor; the first lawmaker from one of the Indigenous Orang Asli groups, which together include 180,000 people, took office in 2019.

Women remain significantly underrepresented in politics, with women holding only 14 percent of Parliament’s lower-house seats. Women held 5 of the Ismail Sabri cabinet’s 31 ministerial posts and 4 of its 38 deputy ministerial posts when it was formed in August 2021.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (–1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (–1)

While elected officials determine and implement government policy, an unfair electoral framework has historically weakened their legitimacy. Decision-making power has typically been concentrated in the hands of the prime minister and his close advisers.

Elected lawmakers were unable to fulfill their functions for much of 2021. In January, Muhyiddin announced a COVID-19-related state of emergency that allowed him to rule by decree. Parliament and state legislatures were suspended, as were elections. Opposition lawmakers derided the announcement, accusing Muhyiddin of failing to manage the pandemic while using it to avoid a no-confidence vote. Parliament was reconvened in late July for a special session, while the state of emergency expired on August 1.

Score Change: The score declined from 2 to 1 due the government’s initiation of a state of emergency that had the effect of suspending Parliament for seven months and suppressing scrutiny and criticism from lawmakers.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The Malaysian Anti-Corruption Commission, which replaced another agency in 2009, is responsible for fighting corruption. Corruption-related convictions against civil servants have been on the rise in recent years; 99 were attained within the first 11 months of 2021, while 55 were attained in 2015. Despite the rising number of convictions and the PH government’s 2019–23 action plan, corruption in government and state-owned enterprises is still considered endemic.

High-level corruption was a critical weakness of the BN, and former prime minister Najib Razak’s efforts to avoid accountability for the 1MDB embezzlement scandal damaged the country’s anticorruption mechanisms. Najib and his successor as UMNO leader, former deputy prime minister Ahmad Zahid Hamidi, were arrested in 2018 and indicted for numerous corruption-related offenses. Najib was convicted on counts including money laundering and abuse of power in 2020, receiving a concurrent 12-year prison sentence. The Court of Appeal upheld Najib’s conviction in December 2021, though he remained free on bail as he continued to appeal.

The Malaysian justice system resolved other high-profile corruption cases during 2021. Former Federal Land Development Authority (FELDA) chairman Mohd Isa Abdul Samad received a six-year prison term and a fine for graft in February. Isa posted bail and filed an appeal, which remained under consideration at year’s end. In May, prosecutors

withdrew bribery charges against FELDA board member Noor Ehsanuddin Mohd Harun Narrashi, and a court acquitted Noor Ehsanuddin in September. In July, the Court of Appeal overturned a 2020 corruption conviction against former UMNO secretary-general Tengku Adnan Tengku Mansor.

C3. Does the government operate with openness and transparency? 2 / 4

A lack of independent oversight regarding state-affiliated companies and investment funds has long created conditions conducive to corruption. Efforts towards enacting a freedom of information act and other reforms stalled after the PN took power. Government operations were not transparently carried out while Parliament was suspended for part of 2021.

CIVIL LIBERTIES: 30 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16

D1. Are there free and independent media? 2 / 4

Prior to the 2018 elections, most private news publications and television stations were controlled by political parties or businesses allied with the BN, and state news outlets similarly reflected government views. The market liberalized after the PH took power, as independent outlets benefited from a reduction in political pressure and harassment. The PH pledged to reform restrictive media laws, and successfully repealed the 2018 Anti-Fake News Act in 2019, but several problematic laws remained in force when that government fell. The PN placed more pressure on private media after taking power in 2020, with officials excluding independent outlets from events of public interest, including parliamentary sessions and pandemic briefings. The Ismail Sabri government also prohibited some media outlets from attending parliamentary sessions in September 2021.

A 2012 amendment to the 1950 Evidence Act holds owners and editors of websites, providers of web-hosting services, and owners of computers or mobile devices accountable for information published through their services or property. In 2020, news site Malaysiakini was charged with criminal contempt after several users posted comments criticizing the judiciary. In February 2021, the Federal Court found Malaysiakini guilty of violating the amended Evidence Act and issued a 500,000-ringgit (\$120,000) fine. Later that month, Malaysiakini editor in chief Steven Gan faced a sedition investigation after he publicly criticized the verdict.

Malaysiakini faced pressure on other matters during 2021. In May, police summoned two of the outlet's journalists after it reported on a man who died after being held in police custody in February. In July, the Federal Court dismissed Malaysiakini's appeal of a 2018 defamation ruling stemming from a report on possible pollution emanating from a mine.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

While Malaysia is religiously diverse, legal provisions restrict religious freedom. Ethnic Malays are constitutionally defined as Muslim and are not entitled to renounce their faith. Individuals seeking to convert from Islam have sometimes faced apostasy charges. Those seeking to leave the faith also risk discrimination and threats; Nur Sajat Kamaruz-zaman, a transgender ethnic Malay, received death threats after renouncing Islam on social media in March 2021.

The powerful Malaysian Islamic Development Department has played a central role in shaping and enforcing the practice of Islam in Malaysia, and state-level authorities perform their own enforcement functions. Muslim children and civil servants are required to receive religious education using government-approved curriculums and instructors.

Practicing a version of Islam other than Sunni Islam is prohibited, and Shiites and other sects face discrimination.

Non-Muslims are not able to build houses of worship as easily as Muslims, and the state retains the right to demolish unregistered religious statues and houses of worship.

Strict regulations were established for places of worship during the COVID-19 pandemic, and foreigners were not allowed to attend services.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

There is some degree of academic freedom in Malaysia. However, under the BN government, instructors and students who espoused antigovernment views or engaged in political activity were subject to disciplinary action under the Universities and University Colleges Act (UUCA) of 1971. In 2018, the PH government amended the UUCA to allow students to engage in political activity on campus. The PH ultimately sought to abolish the UUCA, but the PN announced that the law would remain in force after entering government. Post-BN governments have continued to control appointments of top officials at public universities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While private discussion is robust, individual expression on sensitive political and religious topics is impeded by the penal code and legislation including the Sedition Act and the Communications and Multimedia Act (CMA). In April 2021, for example, graphic artist Fahmi Reza was arrested and investigated under the Sedition Act for creating a music playlist satirizing the queen. In December, a woman was convicted under the CMA and the penal code for making offensive statements about the king and Muhyiddin in 2020.

Discussion was also impeded by COVID-19 emergency measures. In March 2021, the Muhyiddin government used its emergency powers to prohibit the creation or dissemination of purportedly false news. Offenders faced prison sentences of up to six years and fines of up to 500,000 ringgits (\$120,000).

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly can be limited on the grounds of maintaining security and public order. In 2019, Parliament amended the 2012 Peaceful Assembly Act (PPA), reducing the mandatory police notification period from 10 days to 7 days before the planned event, among other changes. However, the law still imposed criminal penalties for violations, lacked provisions to allow spontaneous assemblies, banned those under age 21 from organizing an assembly, and prohibited participation by minors and noncitizens. While demonstrations are often held in practice, police continue to enforce such restrictions and investigate participants in allegedly illegal protests.

Gatherings were prohibited during the COVID-19 state of emergency and again in December. However, protesters continued to hold events while the state of emergency was in effect. In April 2021, protesters rallied over the arrest of graphic artist Fahmi Reza but were later investigated for violating the PPA. In May, 27 protesters who held a flash mob under the *Kerajaan Gagal* (Failed Government) banner in Batu Pahat were arrested. In late July, the just before the state of emergency expired, several hundred people rallied in Kuala Lumpur under the *Kerajaan Gagal* banner. One of its organizers was arrested for violating the Sedition Act ahead of the event.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

A wide array of nongovernmental organizations (NGOs) operates in Malaysia and have a strong record of campaigning for electoral, anticorruption, and other reforms. However, NGOs must be approved and registered by the government, which has refused or revoked registrations for political reasons in the past. Some international human rights organizations have been forbidden from forming local branches. Numerous activists were subjected to police harassment and criminal charges—particularly for speech-related offenses—under both the PH and PN governments.

In July 2021, Heidy Quah Gaik Li, the founder of an NGO supporting refugees, was charged with violating the CMA for criticizing the treatment of refugees in 2020. In August 2021, Quah sued to invalidate Section 233 of the CMA.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Most Malaysian workers can join trade unions, but the law contravenes international guidelines by restricting unions to representing workers in a single or similar trade. The director general of trade unions can refuse or withdraw registration arbitrarily. Collective bargaining rights are limited, particularly in designated high-priority industries, as is the right to strike. A labor law passed in 2019 shifted some discretionary powers from the minister for human resources to the director general of industrial relations and replaced the penalty of imprisonment for illegal strikes with higher fines, among other changes.

In July 2021, junior doctors staged a walkout from several hospitals over pay and contract grievances. Police officers intimidated some of the participants.

F. RULE OF LAW: 7 / 16**F1. Is there an independent judiciary? 2 / 4**

Judicial independence has historically been compromised by extensive executive influence, with courts frequently issuing arbitrary or politically motivated verdicts in high-profile cases. However, a series of judicial appointments in 2018 and 2019 improved confidence in the independence of the higher courts and prospects for reform. In 2019, Datuk Tengku Maimun Tuan Mat became the first woman to become the Federal Court's chief justice, and she subsequently initiated anticorruption and efficiency-enhancing reforms.

The 2020 guilty verdict in former prime minister Najib's corruption trial signaled a degree of judicial independence, though high-profile corruption trials notably ended with acquittals during 2021.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Several existing laws undermine due process guarantees. The 2012 Security Offences (Special Measures) Act allows police to detain anyone for up to 28 days without judicial review for broadly defined "security offenses," and suspects may be held for 48 hours before being granted access to a lawyer. It was renewed for another five years in 2017. Also that year, lawmakers amended the Prevention of Crime Act—a law ostensibly aimed at combating organized crime—to revoke detainees' right to address the government-appointed Prevention of Crime Board, which is empowered to order the detention of individuals listed by the Home Ministry for renewable two-year terms without trial or legal representation. The 2015 Prevention of Terrorism Act, together with that year's National Security Council (NSC) Act, gives the NSC—led by the prime minister—wide powers of arrest, search, and seizure without a warrant in areas deemed as security risks and in the context of countering terrorism.

Malaysia's secular legal system is based on English common law. However, Muslims are subject to Sharia (Islamic law), the interpretation of which varies by state, and the constitution's Article 121 stipulates that all matters related to Islam should be heard in Sharia courts. This results in different treatment of Muslims and non-Muslims in "moral" and family law cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

A number of criminal offenses can be punished with caning, including immigration violations. Torture and abuse in police custody remain problems, and prisons are often overcrowded and unsafe.

In recent years, prisoners and detainees have died in unclear circumstances while in custody. In July 2021, the Human Rights Commission of Malaysia (SUHAKAM) launched an investigation after several such deaths occurred in May and June. In October, SUHAKAM reported that 456 people died in custody in 2020, most of them prisoners.

The death penalty can be applied in Malaysia for numerous offenses; most of the roughly 1,300 people facing execution in Malaysian prisons were convicted under the country's harsh laws on drug trafficking.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Although the constitution provides for equal treatment of all citizens, it grants a "special position" to ethnic Malays and other indigenous people, known collectively as *bumiputera*. The government maintains programs intended to boost the economic status of *bumiputera*, who receive preferential treatment in areas including property ownership, higher education, civil service jobs, business affairs, and government contracts.

Women are placed at a disadvantage by a number of laws, particularly Sharia-related provisions. They are legally barred from certain occupations and work schedules, and they suffer from *de facto* employment discrimination.

LGBT+ Malaysians face widespread discrimination and harassment. Same-sex sexual relations are punishable by up to 20 years in prison under the penal code, though this is generally not enforced. Some states apply their own penalties to Muslims under Sharia statutes. Transgender people can also be punished under state-level Sharia laws. Nur Sajat faced charges in a Selangor State Sharia court in January 2021, having been accused of showing contempt for Islam for donning women's attire at a 2018 event. Nur Sajat fled the country soon after, eventually receiving asylum in Australia in October.

Migrant workers and refugees do not enjoy effective legal protections, and individuals in these communities experienced discrimination during the COVID-19 pandemic. Rohingya asylum seekers and refugees are regularly mistreated. In February 2021, the government deported nearly 1,100 Myanmar nationals to that country, defying a court order, though the government refrained from deporting Rohingya.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens are generally free to travel within and outside of Malaysia, as well as to change residence and employment. However, professional opportunities and access to higher education are affected by regulations and practices that favor *bumiputera* and those with connections to political elites. Although the practice is illegal, employers of migrant workers commonly hold their passports, preventing them from leaving abusive situations. Freedom

of movement was also restricted by COVID-19 measures during 2021, with travel between states and districts restricted for much of the year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Malaysia has a vibrant private sector. Bribery, however, is common in the business world, and the close nexus between political and economic elites distorts normal business activity and fair competition. Some laws pertaining to property and business differentiate between bumiputera and non-bumiputera, and Sharia-based inheritance rules for Muslims often favor men over women.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

While some personal social freedoms are protected, Muslims face legal restrictions on marriage partners and other social choices. All non-Muslims who wish to marry Muslim partners must convert to Islam to receive the recognition of a Sharia court. Societal pressures may also regulate dress and appearance, especially among Malay women. Sharia courts often favor men in matters of divorce and child custody. The minimum age for marriage is generally 16 for girls and 18 for boys, but Sharia courts in some states allow younger people to marry, and child marriage is a common occurrence.

In September 2021, the High Court in Kuala Lumpur ruled that children born to Malaysian mothers overseas must receive Malaysian citizenship. The Court of Appeal dismissed the government's attempt to stay the ruling in December and ordered it to produce citizenship documents.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Rural residents and foreign workers, especially those working illegally, are vulnerable to exploitative or abusive working conditions, including forced labor or debt bondage. Foreign workers make up over a fifth of the country's workforce; about two million are documented, and estimates of the undocumented range from two million to more than four million. The authorities' periodic crackdowns on illegal foreign workers can result in punishment rather than protection for victims of human trafficking.

In June 2021, electronics manufacturer ATA Industrial was accused of forcing migrant workers to live in poor housing and work excessively long schedules. That same month, the Industrial Court ruled that US tiremaker Goodyear underpaid migrant workers.

Maldives

Population: 500,000

Capital: Malé

Freedom Status: Partly Free

Electoral Democracy: No

Overview: An opposition victory in the 2018 presidential election resulted in initial efforts to revise antidemocratic laws and establish transitional justice mechanisms. Despite improvements since the election, many basic freedoms remain restricted, and government-led efforts to reform the justice system, which lacks independence, remain nascent.

KEY DEVELOPMENTS IN 2021

- High-level corruption among government officials from the administration of former president Abdulla Yameen remained a prominent issue during the year. In November, Yameen himself—who was convicted in 2019 on money laundering charges, fined \$5 million, and sentenced to five years in prison—won a controversial appeal to his case at the Supreme Court and was released. Authorities also filed charges that month against Ahmed Mahloof, the minister of youth, sports and community empowerment, for accepting bribes as a part of Yameen’s corrupt activities.
- In May, Mohamed Nasheed, the former president and current speaker of Parliament, survived an assassination attempt in Malé. Authorities arrested 10 suspects and charged 4 with terrorism. One defendant, who pleaded guilty, was convicted in December; trials of the other suspects were to be conducted separately.

POLITICAL RIGHTS: 19 / 40**A. ELECTORAL PROCESS: 7 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The president is directly elected for up to two five-year terms. The 2018 election was marred by the misuse of state resources on behalf of incumbent president Abdulla Yameen of the Progressive Party of Maldives (PPM), police interference with opposition campaign efforts, and various forms of manipulation by electoral officials. The Maldivian Democratic Party (MDP) and other opposition groups endorsed Ibrahim Mohamed Solih, an MDP lawmaker, after former president Mohamed Nasheed was disqualified over a dubious 2015 terrorism conviction. Despite the impediments to his campaign, Solih won the election with over 58 percent of the vote amid high turnout.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The unicameral People’s Majlis is composed of 85 seats, with members elected from individual districts to serve five-year terms. Elections held in April 2019 were largely transparent and competitive, with Commonwealth observers reporting that vote buying—while still a problem—appeared less prevalent than in previous elections. The MDP captured 65 seats, with Nasheed winning a seat representing a district in Malé and becoming the parliament speaker. The PPM suffered a sharp decline, winning only five seats. The Jumhooree Party (JP) also won five seats, the Maldives Development Alliance won two, and independents took an additional seven.

The government postponed local council elections set for April 2020 due to the COVID-19 pandemic, extending the mandates of incumbent officials that May. The elections were held in April 2021: the MDP won 43.4 percent of seats and the PPM winning 38.2 percent, with voter turnout at 68 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The independence of the Elections Commission, whose members are appointed by the president with approval from the parliament, was seriously compromised under the Yameen administration, with key decisions favoring the PPM. However, the Elections Commission’s administration of the 2019 parliamentary elections earned praise from Commonwealth observers as improved and more impartial.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Political pluralism and participation deteriorated during Yameen's presidency, as authorities subjected opposition leaders and their supporters to judicial harassment. Restrictions on and dispersals of political rallies, raids on opposition offices, and arbitrary detentions and convictions of opposition politicians were common for most of 2018, but virtually no such abuses have been reported since.

Yameen was arrested on money-laundering charges in February 2019, but was released from detention the following month, and the PPM and its allies were able to compete in that April's parliamentary elections. Former authoritarian president Maumoon Abdul Gayoom aligned himself with the opposition under Yameen, and in November 2019, his party the Maldives Reform Movement (MRM) was able to officially register as a party. A new political party, the Maldives National Party, was registered in July 2021.

In May 2021, Mohamed Nasheed, the former president and current speaker of Parliament from the MDP, survived an assassination attempt in Malé. Authorities arrested 10 suspects and charged 4 with terrorism. One defendant, who pleaded guilty, was convicted in December; trials for the other suspects were to be conducted separately.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The country has rarely experienced transfers of power between rival parties through elections. Though the Yameen government and the PPM attempted use the justice system to subvert the 2018 presidential election, the opposition MDP secured the presidency with a reported voter turnout of nearly 90 percent. The MDP also won the 2019 parliamentary elections, fully transitioning from opposition to ruling party.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The Yameen government exerted improper influence over several state institutions and the Elections Commission to restrict the political choices of voters and politicians, including through politicized arrests and threats to public and private sector employees. While such abuses have waned under President Solih, intimidation by hardline Islamist groups continues to sporadically disrupt the political system and the rule of law. Vote buying remains a problem during elections, and allegations of bribery and corruption have surrounded instances of party switching in recent years.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The constitution and laws require all citizens to be Muslims and all candidates for elected office to be followers of Sunni Islam, explicitly excluding adherents of minority religions. High-level positions in state institutions or independent bodies, including the Human Rights Commission of the Maldives, also require individuals to be a Sunni Muslim Maldivian. Societal discrimination against women has limited their political participation; four women won seats in the parliament in 2019, down from five in 2014. LGBT+ people have effectively no political representation. Foreign workers, who make up between a quarter and a third of the population, have no political rights.

C. FUNCTIONING OF GOVERNMENT: 4 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

Elected officials generally determine and implement government policies, though former president Yameen disrupted the parliament's functioning in the face of lawmakers' defections to the opposition and in his attempts to retain the presidency in the 2018 election. The parliament was able to operate without similar obstructions after President Solih's 2018 inauguration and the 2019 parliamentary elections.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains endemic at all levels of government. The Anti-Corruption Commission (ACC) has been only moderately effective, often launching investigations and taking other actions in response to public complaints, but rarely holding powerful figures to account for abuses. Whistleblowers and journalists reporting on corruption have been jailed or forced into exile in the face of political persecution.

The Solih government has taken steps to combat corruption, launching a whistleblower web portal, creating legal protections for whistleblowers, and pursuing corruption cases against high-level officials from the Yameen administration. Yameen himself was convicted of money laundering in 2019, sentenced to five years in prison, and ordered to pay a \$5 million fine. He appealed, and in November 2021 the Supreme Court overturned his conviction. Multiple officials in Yameen's government have either been arrested for or are suspected of having been a part of the former president's corrupt activities. Authorities filed charges against Ahmed Mahloof, the youth, sports and community empowerment minister, in November 2021 for accepting bribes as a part of Yameen's corrupt activities. Mahloof had been suspended in 2019 and was again in 2021 but remained a minister at year-end.

The ACC reported receiving 34 corruption complaints by December 2020 regarding the government's COVID-19 response, including allegations of corruption in the purchase of ventilators by the Health Ministry, which had resulted in the resignation of the health minister that October. Though prosecutors declined to press charges, ACC inquiries continued, and the parliament voted to pursue charges in December. However, in March 2021, the Prosecutor General's office again decided not to prosecute anyone but requested that the ACC investigate further that December.

C3. Does the government operate with openness and transparency? 1 / 4

Large state contracts for infrastructure and other projects have regularly been awarded through opaque processes, in which bribery and kickbacks are widely believed to play a role. The Solih administration did not immediately revise antidemocratic changes made to public finance rules by the previous government.

The president, cabinet ministers, and members of the parliament are required by the constitution to submit annual asset declarations, but it is not required that these be made public, and the relevant agencies have resisted disclosing how many officials comply with the rule. In 2019, Solih and members of his cabinet publicly disclosed their personal finances, but Transparency International warned that many disclosures appeared dubious or contradictory.

CIVIL LIBERTIES: 21 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 1 / 4**

The constitution guarantees freedom of expression so long as it is exercised in a manner that is "not contrary to any tenet of Islam," a vague condition that encourages

self-censorship in the media. State-run media and regulatory bodies, especially the Maldives Broadcasting Commission (MBC), have typically displayed bias in favor of the government and have restricted coverage of the opposition.

Journalists continue to face the threat of violence in reprisal for their work, particularly from Islamist militants who often go unpunished. The Presidential Commission on Investigation of Murders and Enforced Disappearances reportedly found evidence that officials under the Yameen administration interfered with the police investigations in which journalists or activists were abducted or killed.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Freedom of religion is severely restricted, and Islam is the state religion Muslims. Imams must use government-approved sermons. Non-Muslim foreigners are allowed to observe their religions only in private. Growing religious extremism, stoked in part by the Yameen administration, has led to an increase in threatening rhetoric and physical attacks against those perceived to be insulting or rejecting Islam. Secularist writers and defenders of freedom of conscience have faced pressure from the authorities as well as death threats from violent groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Islam is a compulsory subject in schools and is incorporated into all other subject areas. School and university curriculums have come under increased influence from hardline religious leaders, resulting in some content that denounces democratic principles and promotes jihadist narratives. Academics and teachers who express views deemed objectionable by state and nonstate actors risk punishment or reprisals. In 2019, a college was vandalized, and its chairman was threatened after he criticized supporters of a death sentence against a woman accused of extramarital sex.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Although the Solih administration was expected to be more tolerant of public criticism than its predecessor, individuals who speak out on behalf of minority groups or basic freedoms are still at significant risk of attack from violent nonstate actors. Local human rights groups have had to relocate several social media users who received death threats for exercising their freedom of expression. In June 2020, a public sector employee was reportedly fired for social media posts that allegedly defamed President Solih and Majlis Speaker Nasheed.

Lawmakers have experienced retribution for supporting free speech. A parliamentarian who introduced amendments to the penal code that would criminalize hate crimes and hate speech in May 2021 experienced a public smear campaign and death threats launched from extremists. The amendments passed into law in November.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12

E1. Is there freedom of assembly? 2 / 4

Respect for freedom of assembly is uneven. A 2016 law requires protest organizers to obtain police permission for their events and restricts demonstrations to certain designated areas. Assemblies were banned during a 2018 state of emergency but allowed in the run-up to the September 2018 presidential election after authorities faced growing international

pressure. In 2019, opposition supporters and hardline Islamists were able to hold protests related to Yameen's money-laundering case and demands that the government shut down the Maldivian Democracy Network (MDN), an advocacy organization, for supposedly insulting Islam. However, in 2021 security forces sought to intimidate, and in one case used unnecessary force against, peaceful demonstrators protesting gender-based discrimination.

In July 2020, the Solih government, citing the need to address the COVID-19 pandemic, violated a campaign pledge by applying the 2016 law to limit protests. Dozens of migrant workers protesting inhumane conditions and nonpayment of wages were detained.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Nongovernmental organizations (NGOs) operate in a restrictive environment. They are required to obtain government approval before seeking domestic or foreign funding, and regulators have broad discretion to investigate and dissolve NGOs. The Human Rights Commission of the Maldives is not independent in practice. In recent years, Maldivian human rights groups have increasingly become targets of surveillance, harassment, threats of violence, and blasphemy allegations, including from extremist nonstate actors.

In 2019, Islamist groups denounced the MDN as "anti-Islamic" following a smear campaign against the organization. The government suspended the NGO's activities, and the NGO Registrar under the Ministry of Youth, Sports and Community Empowerment decided to arbitrarily dissolve the MDN. A criminal blasphemy investigation against the authors of a 2015 MDN report on radicalization and violent extremism remained ongoing in 2021, and donor funds in MDN bank accounts were confiscated in January 2020.

In June 2020, Islamist extremist groups began targeting women's rights NGO Uthema with a campaign of social media harassment for producing an allegedly anti-Islamic report on Maldives' compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution and labor laws allow workers to form trade unions, and several unions are active. However, collective bargaining is not protected, and strikes are prohibited in many sectors, including the crucial tourism industry.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Judicial independence is seriously compromised. Many judges are unqualified, and the courts are widely considered vulnerable to corruption or political influence. The Supreme Court has repeatedly intervened in political affairs and apparently exceeded its constitutional authority, typically acting according to political interests.

The Yameen administration arrested multiple Supreme Court judges and passed unconstitutional laws in order to prosecute opposition leaders, preventing them from competing in the 2018 presidential election. However, since the beginning of the Solih government, the jailed former justices and other wrongfully arrested officials have been released, though they were not reinstated.

The Solih government has also used its parliamentary majority to reshape the Supreme Court without the previous administration's extraconstitutional tactics. In 2019, the parliament removed one justice for corruption and two others—including the chief justice—for a litany of violations. That year, the government appointed the first two women to the

Supreme Court, despite Islamist objections. In September 2020, a woman was appointed to the Criminal Court bench for the first time in the country's history.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police have regularly engaged in arbitrary arrests in recent years, often to disrupt opposition activities, protests, or the work of journalists. Due process rights are not well enforced in practice, and under Yameen, opposition figures were subjected to deeply flawed trials on politically motivated charges, according to human rights groups and international monitors. The new government has yet to undertake comprehensive reforms of the criminal justice system.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The constitution and the Anti-Torture Act ban torture, but police brutality and the abuse of detainees and prison inmates remain problems, and impunity remains the norm. Flogging and other forms of corporal punishment are authorized for some crimes, and flogging sentences are issued in practice for offenses such as extramarital sex. Prisons are overcrowded, inmates reportedly lack proper access to medical care, and human rights groups have reported numerous unexplained deaths in custody.

In December 2020, President Solih signed into law a bill establishing a transitional justice mechanism to investigate and redress human rights abuses from 1953–2018. The bill had been revised in response to concerns by the United Nations and local human rights groups that the draft version proposed in 2019 was overly narrow in scope. The Ombudsman's Office for Transitional Justice opened in January 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Gender-based discrimination in employment is prohibited by law, but women continue to face discrimination in practice. Girls and women from underprivileged backgrounds are disproportionately affected by Sharia (Islamic law) penalties for crimes like fornication and adultery.

Migrant workers—who account for approximately one-third of the population—encounter disparate treatment by state authorities and have difficulty accessing justice. In 2020, thousands of migrant workers with unclear immigration status were arbitrarily deported during the COVID-19 pandemic.

Same-sex sexual acts and marriage are prohibited by law and can draw prison sentences, corporal punishment, and even threats of citizenship revocation. As a result, LGBT+ people rarely report societal discrimination or abuse. In June 2020, a man from Makunudhoo island was arrested for allegedly engaging in same-sex sexual activity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement is provided for by law, but there are some restrictions in practice. Authorities have occasionally imposed travel bans on members of opposition parties and other perceived government opponents. Migrant workers are also subject to constraints on their movement, including through retention of their passports by employers.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are limited, with most land owned by the government and leased to private entities or commercial developers through what is often an opaque process. Residents sometimes face displacement by development projects without adequate consultation or compensation.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Personal social freedoms are restricted by Sharia-based laws and growing religious extremism in society. Among other rules on marriage and divorce, citizen women are barred from marrying non-Muslim foreigners, while citizen men can marry non-Muslim foreigners only if they are Christian or Jewish. Extramarital sex is criminalized, and there is a high legal threshold to prove rape allegations. Women face increasing pressure to dress more conservatively, in keeping with hardline interpretations of Islam. Violence against women is rarely investigated and punished, although sexual assault charges were filed in November 2020 against Ali Waheed, who had served as minister of tourism until numerous assault allegations led to his firing in July 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The legal framework provides some protections against worker exploitation, including rules on working hours and bans on forced labor. However, migrant workers are especially vulnerable to abuses such as debt bondage and withholding of wages, a problem that was exacerbated during the economic contraction caused by the COVID-19 pandemic and resulting collapse of tourism. Women and children working in domestic service may also be subject to exploitative conditions.

Mali

Population: 20,900,000

Capital: Bamako

Freedom Status: Not Free

Electoral Democracy: No

Overview: Mali experienced a political transition away from authoritarian rule beginning in the early 1990s and gradually built up its democratic institutions for about 20 years. However, the country displayed characteristics of state fragility that eventually contributed to a 2012 military coup and a rebellion in northern Mali that erupted the same year. Though constitutional rule was restored and a peace agreement signed in the north in 2015, insecurity and political tensions persisted in the years that followed, culminating in two military coups in 2020 and 2021.

KEY DEVELOPMENTS IN 2021

- In May, the military staged a coup d'état—the second in nine months—and arrested the acting president, Bah N'Daou, and his prime minister, Moctar Ouane. Colonel Assimi Goïta, who was also the leader of the 2020 coup, became the new transitional president.
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- In June, Goïta appointed a civilian prime minister, Choguel Maïga. He was a leading figure in the June 5th Movement–Rally of Patriotic Forces (M5-RFP) coalition, which had been at the forefront of protests against the regime of then president Ibrahim Boubacar Keïta prior to the 2020 coup.
- Despite plans to transition to civilian rule within 18 months of the 2020 coup, the new transitional government announced in November that elections scheduled for February 2022 would be delayed. The following month, transitional authorities proposed extending the transition period and postponing elections for up to five years.

POLITICAL RIGHTS: 8 / 40 (–1)

A. ELECTORAL PROCESS: 1 / 12 (–1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president, who is the head of state, is normally elected by popular vote and may serve up to two five-year terms. However, in August 2020, in the wake of mass antigovernment protests, a group of military personnel known as the National Committee for the Salvation of the People (CNSP) launched a coup d'état. They abducted President Ibrahim Boubacar Keïta—who had been reelected in 2018 with 67 percent of the vote—and compelled him to resign. In September 2020, the CNSP selected Bah N'Daou, a former military officer and Keïta-era defense minister, as acting president. Colonel Assimi Goïta, the CNSP's leader, was made vice president.

In May 2021, after the government announced a new cabinet that excluded two key military leaders, another coup d'état took place: the military arrested both N'Daou and Prime Minister Moctar Ouane, and Goïta declared himself transitional president. The move was confirmed by the Constitutional Court a few days later. N'Daou and Ouane were released from house arrest in August.

The prime minister, the head of government, is appointed by the president. Boubou Cissé was appointed in April 2019, but was removed by the CNSP in the August 2020 coup. Ouane, his successor, was appointed in September 2020 and removed from office following the May 2021 coup. In June, Goïta appointed a new civilian prime minister—Choguel Maïga, a leading member of the M5-RFP coalition that had spearheaded the anti-Keïta protest movement.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Members of the 147-seat unicameral National Assembly normally serve five-year terms. Thirteen seats were reserved to represent Malians living abroad. Keïta's Rally for Mali (RPM) party won 66 seats in legislative elections held in 2013, and its allies took an additional 49 seats. Soumaïla Cissé's opposition Union for the Republic and Democracy (URD) won 17, and the third-largest party, the Alliance for Democracy (ADEMA), won 16.

Overdue parliamentary elections were held in two rounds in March and April 2020, but the process was marred by violence, low turnout, and disagreement over the results. Soumaïla Cissé was kidnapped days before the first round and not released until October. Voters, especially in the north and center of Mali, were subjected to intimidation, while observers reported vote-buying incidents. COVID-19 restrictions, which were introduced in March, also affected the balloting. A group of civil society observers reported a first-round turnout figure of 7.5 percent.

Keïta dissolved the National Assembly in August 2020 after he was detained by the CNSP, along with then prime minister Boubou Cissé and other officials.

A 121-member National Transitional Council (CNT) was appointed in December 2020, with CNSP member Colonel Malick Diaw named as its president. Security forces directly controlled 22 seats, while political parties and organizations were granted 11. The M5-RFP, an alliance of opposition parties and civil society groups, separately held 8 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4 (-1)

Electoral operations are normally divided among three administrative bodies in Mali—the Ministry of Territorial Administration and Decentralization, the Independent National Electoral Commission, and the General Office of Elections. The Constitutional Court also participates in the electoral process by validating election results and resolving disputes.

The Constitutional Court overturned the results for 31 parliamentary seats in late April 2020, increasing the RPM's representation by 10 seats in the interim. Protests over the court's decision were held that same month. Keïta dismissed several Constitutional Court judges in July 2020 and offered to organize a rerun of the invalidated contests. New judges were appointed in early August 2020, though the news that a Keïta ally was involved in their selection was met with criticism.

In September 2021, transitional authorities announced the creation of a single election management body, the Independent Election Management Authority (AIGE). However, two months later, the transitional government postponed elections that had been scheduled for February 2022. In response, the Economic Community of West African States (ECOWAS), which had been pressing for a return to elected civilian rule, imposed economic and travel sanctions on members of the transitional authority. In December, the Malian leadership nevertheless proposed further extending the transition period and suspending elections for up to five years.

Score Change: The score declined from 2 to 1 because the military-led government indefinitely postponed scheduled elections and pursued electoral-management changes via undemocratic means.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

The creation and functioning of political parties are governed by a legal framework known as the Political Parties Charter, which is generally fair. The charter prohibits the creation of political parties on an “ethnic, religious, linguistic, regionalist, sexist, or professional basis.”

There are more than 100 registered political parties in Mali, though fewer than 20 are active. Parties are usually built around a particular personality, and policy differences between them are not always clear. Moreover, parties are often poorly funded, which hampers their ability to effectively organize and win voter support.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Electoral competition is normally open to opposition forces. A 2014 law institutionalized specific privileges for opposition parties in the parliament, such as the ability to choose an official leader of the opposition. However, in 2016 the ruling majority adopted, over the objections of opposition parties, amendments to the electoral code that favored

establishment and majority parties by requiring presidential candidates to make a significant financial deposit and receive support from a certain number of incumbent elected officials.

Opposition figures faced violent attacks during the March and April 2020 parliamentary elections. URD leader Soumaila Cissé and members of his entourage were kidnapped by militants while traveling through the town of Niafunké, and one bodyguard was killed. Several of the abductees were freed a day later, and Cissé himself was freed in October 2020 after the military government agreed to release 200 individuals suspected of militant activity, though Cissé died of COVID-19 that December.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Before the August 2020 coup d'état, citizens' political choices were relatively free, though they were occasionally influenced by the promise of patronage appointments or other benefits in exchange for political support. The military junta that first took power in 2020 and consolidated its authority in the May 2021 coup has since appointed key officials and set election timetables without meaningful public consultation.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

No law limits political rights for members of minority groups, and no single ethnic group dominates the government or security forces. Tuareg pastoralist groups in the north have historically occupied a marginal position in national political life.

Societal attitudes can discourage women from participating in political processes. In the 2018 presidential election, Djeneba N'Diaye was the sole female candidate. While a 2015 gender quota law mandates that 30 percent of elected and appointed positions are to be filled by women, only 25 percent of the CNT's seats are held by women, and the 25-member cabinet that was established in June 2021—after the second coup d'état—included only six women.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

President Keïta was elected in a generally credible poll in 2018, and the National Assembly that took office in 2013 was also freely elected. That parliament remained in place beyond the end of its mandate, however, with elections eventually held in March and April 2020. The August 2020 coup d'état replaced an elected national government with a military regime; a second coup in May 2021 reinforced the military's hold on power, causing renewed uncertainty about the reintroduction of civilian rule. A civilian, Choguel Maïga, was appointed as prime minister in June, but several key government positions were filled by military leaders.

The volatile security situation in northern and central Mali has limited the effective territorial reach of government authority.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a problem in government, notably in public procurement. Bribery and embezzlement of public funds is common, and impunity for corrupt officials is the norm. The Office of the Auditor General is an independent agency responsible for analyzing public spending, but despite its identification of sizable cases of embezzlement, very few prosecutions have taken place. The office's 2018 annual report, submitted to Keïta in July 2019, highlighted significant financial irregularities.

After the August 2020 coup d'état, the CNSP launched a crackdown on apparent abuses by government officials but took little action to fight corruption within the military.

In August 2021, former prime minister Soumeylou Boubèye Maïga and former finance minister Bouaré Fily Sissoko were arrested on fraud charges in connection with the 2014 purchase of a presidential plane and \$40 million in military equipment contracts. Several businessmen were arrested on related charges later in the year.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations remain generally opaque, and Mali does not have a comprehensive legal framework for freedom of information. While numerous laws do provide for public access to some official documents and information, such laws are replete with extensive and vague exceptions, and journalists have faced obstacles when attempting to obtain information, particularly about military expenditures.

In February 2020, the civilian government joined the Global Forum on Transparency and Exchange of Information for Tax Purposes, a working group backed by the Organisation for Economic Co-operation and Development to fight tax evasion and improve transparency.

CIVIL LIBERTIES: 24 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

The media environment in Bamako and in the rest of the south is relatively open, though there are sporadic reports of censorship, self-censorship, and threats against journalists. Reporting on the situation in the north remains dangerous due to the presence of active militant groups. Defamation is a crime that can draw fines or prison time.

Journalists and media outlets covering antigovernment protests faced detention, transmission disruptions, and acts of vandalism in July 2020. Protesters occupied the headquarters of public broadcaster Office de Radio-Télévision du Mali (ORTM), which briefly went off the air, and stole equipment during the demonstrations. A Liberté TV journalist was arrested by police while filing a report on the protests that month, though she was released a day later. Social media services were disrupted for several days in July.

Press freedom was restricted after the August 2020 coup d'état. Several journalists were arrested between August and December 2020; many were accused of criminal defamation for engaging in government-related reporting. In April 2021, journalist Mohamed Bathily—who had been detained in December 2020 on charges of conspiracy and “insulting the head of state”—was released from prison after authorities dropped all charges against him. Bathily was rearrested less than a month later for allegedly insulting members of the judiciary; he was released on bail in June and later received a fine and a one-year suspended prison sentence.

During 2021, transitional authorities began to seek justice for past instances of violence against members of the media. In July, the transitional government arrested General Moussa Diawara, former head of the General Directorate of State Security (DGSE), and issued an international arrest warrant for Karim Keïta, son of the former president, in connection with the 2016 disappearance of journalist Birama Touré.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Freedom of religion is constitutionally guaranteed in Mali, which is a secular state, and discrimination on the basis of religion is prohibited. The population is predominantly Sunni Muslim, and Sufism plays a role in the beliefs of most residents.

The 2012 Islamist uprising in the north shattered the image of Mali as a religiously tolerant country. Armed extremist groups have since terrorized northern and central Mali, attacking those whom they perceive as failing to follow their strict interpretation of Islam. Such groups have occasionally carried out targeted kidnappings of Christians and subjected them to sometimes violent harassment. In 2017, several Christian churches in central Mali were attacked by alleged Islamist gunmen.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is upheld in areas with a consolidated government presence but restricted in areas with a heavy militant presence.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally open and free in areas under government control, but such expression is more restricted in areas with a militant presence or where intercommunal violence has flared.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but participants in public gatherings risk violence by state security forces, and the government has occasionally restricted social media use to prevent activists from organizing protests.

Protesters rallied against the late April 2020 Constitutional Court decision to overturn the election results for 31 parliamentary seats that month, and regular antigovernment protests were held beginning in early June, days after the M5-RFP's formation was announced. Protests grew violent during a three-day period in July 2020, with some participants engaging in looting. The authorities responded with lethal force, resulting in at least 14 deaths in Bamako over three days. Despite continued violence, protests largely persisted through August 2020, when President Keïta and Prime Minister Cissé were detained by the CNSP.

Several protests took place in 2021 and were largely peaceful. Regular demonstrations against foreign—especially French—military involvement in Mali were held throughout the year without being disrupted. Similar protests also occurred as part of a progovernment march held in Bamako in September.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Many nongovernmental organizations (NGOs) operate in Mali without state interference. However, large, established NGOs with ties to the political elite can overshadow smaller and more innovative groups, particularly in the competition for funding. Ongoing insecurity in some parts of the country hampers NGO efforts to provide aid and services to returning refugees and others affected by instability. A European Commission report counted more than 130 security incidents affecting humanitarian NGOs in the country during 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution guarantees workers the right to form unions and to strike, with some limitations for workers in essential services and requirements involving compulsory arbitration. The government has broad discretionary power over the registration of unions and

recognition of collective bargaining, and the authorities do not effectively enforce laws against antiunion discrimination.

The National Union of Workers of Mali (UNTM), the country's largest trade union, held two strikes in November and December 2020 over pay disagreements. The UNTM and the military government held negotiations on the matter that December, though the union briefly suspended its participation after President N'Daou harshly criticized the strike activity in a speech. In May 2021, the UNTM began a nationwide strike following failed negotiations with the government over wages, bonuses, and allowances. The strike ended after the transitional government was removed by the coup later that month.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is beholden to the executive, despite constitutional guarantees of judicial independence. Judges are appointed by the president, while the minister of justice supervises both law enforcement and judicial functions.

In July 2020, Keïta announced the removal of Constitutional Court judges as part of an effort to resolve the country's postelection political impasse. That August, nine judges were appointed to the court; three were named by Keïta, three by National Assembly president Moussa Timbine, and three by a judicial council. The appointments were met with criticism due to the involvement of a Keïta ally in the judges' installation.

Militant attacks against judicial personnel have prompted some judges to vacate their posts. In 2017, judge Soungalo Koné was kidnapped in central Mali by armed men who asked for the release of detained militants in exchange for his freedom. In February 2019, the magistrates' union announced that he had died the previous month, still in captivity, from an illness.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are inconsistently upheld. Detainees are not always charged within the 48-hour period set by law, and arbitrary arrests are common. After a deadly 2015 terrorist attack in Bamako, a national state of emergency remained in force for several years and was last extended in October 2019. The emergency designation gave security services greater authority to search homes without a warrant, detain suspects, and restrict protests. The military government suspended that state of emergency after taking power in August 2020, though a COVID-19-related state of emergency was declared in late December 2020.

Detainees face extended pretrial detention periods. The trial of Amadou Sanogo, who staged a coup d'état in 2012 and was accused of killing 21 soldiers who sought to oppose him that year, began in 2016 but was quickly adjourned. Sanogo was not freed on bail until late January 2020, though his release was criticized by human rights groups. In March 2021, the court dropped the charges against Sanogo and 15 other soldiers accused in the case, citing a 2019 reconciliation law that grants pardons or amnesty for certain crimes committed during the 2012 political crisis.

Due process rights were not consistently upheld for high-ranking officials detained by the military in the August 2020 coup d'état. Former prime minister Sissé, former National Assembly president Timbine, and eight detained generals were released in October 2020 with the warning that they "remain at the disposition of the courts." In September 2021, Oumar Samaké, a special forces commander imprisoned for his alleged role in the July 2020 death of 14 antigovernment protesters, was freed by armed police who stormed the prison where he was being held. The transitional government condemned Samaké's forcible release, and human rights groups and magistrates' unions criticized the incident as "an attack on democracy and the rule of law." Samaké voluntarily surrendered to authorities and was

returned to prison less than a week later. In October, Issa Kaou N'Djim, a vice president of the transitional parliament, was arrested after he criticized the government's decision to expel ECOWAS's special envoy in Mali. In December, N'Djim was given a six-month suspended sentence and fined 500,000 francs (\$900).

The Truth, Justice, and Reconciliation Commission created in 2014 is responsible for investigating human rights violations committed since 1960, but its activities are restricted by the rise of terrorist activities and intercommunal tensions within Mali's borders. In 2021, the commission held public hearings in April and September, giving victims of violent conflict and human rights abuses the opportunity to testify about their experiences.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Islamist militant groups that were not party to a 2015 peace agreement continue to carry out acts of violence against civilians in the northern and central regions. Since 2012, militant groups affiliated with the Islamic State in the Greater Sahara (ISGS) have regularly enforced brutal punishments—including stoning and amputation—on civilians they accuse of crimes.

Ongoing instability has contributed to the spread of organized crime and accompanying violence and kidnappings. In 2020, in return for its release of late opposition leader Soumaila Cissé, French aid worker Sophie Pétronin, and two Italian hostages, the Support Group for Islam and Muslims (GSIM), a militant group with reported links to Al-Qaeda, secured the government's release of 200 individuals suspected of militant activity. In April 2021, French journalist Olivier Dubois was abducted by the GSIM; he had not been freed at year's end.

More than 1,000 violent attacks against civilians by suspected Islamist militants took place in 2021; nearly 600 civilians were killed, and more than 500 were abducted. In August, three villages in central Mali were attacked by assailants who killed 51 civilians in apparent retaliation for the arrest of several jihadist leaders in a nearby town.

Malian military personnel have been known to engage in human rights violations. In 2021, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) reported that Malian forces were responsible for abuses including extrajudicial killings, forced disappearances, and arbitrary arrests, many of them in the regions of Mopti and Ségou. International human rights groups also reported many such violations by the Malian military between the August 2020 coup and December 2021.

In March 2021, MINUSMA investigators reported that a French military air strike carried out in January in central Mali had mainly killed civilians, contrary to claims by French authorities that the air strike had targeted and killed militants.

Prisons are characterized by overcrowding, insufficient medical care, and a lack of proper food and sanitation. The COVID-19 pandemic also affected prisons, with the authorities releasing or pardoning over 1,600 prisoners to reduce the spread of the virus in 2020.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Members of a northern caste known as Black Tamasheqs face societal discrimination, including slavery-like treatment and hereditary servitude. Authorities sometimes deny them official documents or discriminate against them in housing, schooling, and police protection.

Arabs and Tuaregs also face discrimination. In October 2020, Arab and Tuareg merchants in the city of Timbuktu rallied against attacks on their businesses, with participants saying they commonly faced blame for criminal and jihadist activity in the region.

Same-sex sexual acts are legal, but LGBT+ people face discrimination, including cases of violence by family members that is meant as a corrective punishment.

Although the constitution nominally guarantees equal rights and prohibits discrimination based on sex, men and women do not have the same legal status, and women are required by law to obey their husbands. Sexual harassment is not prohibited by law and is a common practice in schools and the workplace.

Conditions in northern Mali have left many refugees unable or unwilling to return, as continuing insecurity in the region complicates resettlement. The Office of the UN High Commissioner for Refugees (UNHCR) counted almost 160,000 Malian refugees living in asylum countries and more than 400,000 internally displaced persons as of November 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement and choice of residence remain constrained by insecurity, especially in northern and central Mali. Educational facilities have been targeted in militant attacks, and according to the United Nations, 1,664 schools were closed as of August 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Citizens have the right to own property and engage in private enterprise, but these rights are not consistently respected, and widespread corruption hampers normal business activities. It is generally necessary to pay bribes in order to operate a business.

Traditional customs sometimes undermine the right of women to own property. The law discriminates against women in matters of inheritance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

The law puts women at a disadvantage on personal status issues including marriage and divorce. Rape and domestic violence against women are widespread, and most such crimes go unreported. There are no specific laws prohibiting spousal rape or domestic violence. Female genital mutilation is legal and commonly practiced in the country. Same-sex couples cannot form civil unions, marry, or adopt children in Mali.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Although trafficking in persons is a criminal offense, prosecutions are infrequent. Many judicial officials remain unaware of the antitrafficking law, and the police lack adequate resources to combat trafficking. Traditional forms of slavery and debt bondage persist, particularly in the north, with thousands of people estimated to be living in such conditions.

The government has taken steps to eliminate child labor, but it is a significant concern, especially in the agricultural and artisanal gold-mining sectors. Armed groups also regularly recruit and use child soldiers.

Malta

Population: 500,000

Capital: Valletta

Freedom Status: Free

Electoral Democracy: Yes

Overview: Malta is a parliamentary democracy with regular, competitive elections and periodic rotations of power. Civil liberties are generally respected. New and smaller political parties encounter difficulties in challenging the dominance of the two main parties, and official corruption is a serious problem.

KEY DEVELOPMENTS IN 2021

- In August, the government opened an inquiry into correctional procedures after a prison inmate died by suicide. Prisons director Alex Dalli stepped aside in November after another inmate died by suicide and was formally dismissed in December.
- In April, legislators passed a gender-parity bill that would award as many as 12 compensatory parliamentary seats to “the underrepresented sex,” should its members win fewer than 40 percent of seats.
- In May, the Office of the UN High Commissioner for Human Rights (OHCHR) noted incidents where Maltese authorities ignored seafaring migrants in distress, provided insufficient support, or engaged in dangerous practices while interacting with them.
- In August, businessman Yorgen Fenech, who was accused of orchestrating the 2017 murder of journalist Daphne Caruana Galizia, was formally indicted for his alleged involvement. Fenech’s lawyers filed a complaint over the selection of the trial’s presiding judge in September, though that judge remained in charge as of year’s end.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is head of state and is elected by the parliament for a five-year term. Under constitutional reforms passed in 2020, future presidents will require the support of two-thirds of the parliament. George Vella of the Labour Party (LP) was selected president in April 2019, running unopposed.

The president nominates the prime minister, who must be a member of parliament (MP) and must command a parliamentary majority. Prime Minister Joseph Muscat won a second term in 2017 but resigned the prime ministership and the LP leadership in 2019, as police investigated his chief of staff, Keith Schembri, over the murder of Daphne Caruana Galizia. Robert Abela succeeded Muscat as LP leader and prime minister in January 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral parliament are elected for a five-year term through a single-transferable-vote (STV), proportional representation system in multimember districts. National elections are considered free and fair. The ruling LP won the 2017 snap election with 55 percent of the vote and 37 seats, while the Nationalist Party (PN) won 30.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Members of the Electoral Commission (EC) are appointed by the president, and both major parties are represented on it.

Since 1987, when constitutional amendments were passed, improvements have been made to ensure more proportionality between votes and parliamentary seats won by the

parties. However, a party needs to win about 17 percent of the valid votes in at least 1 of Malta's 13 electoral districts to enter the parliament.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

There are no significant restrictions to political party formation. However, smaller parties have difficulty competing against the two established parties, which have superior access to private donations. In 2020, the Democratic Alternative and Democratic Party, then the country's two smallest parties, merged to form the ADPD.

The 2015 Financing of Political Parties Act aims to improve transparency of party fundraising. Compliance is overseen by the EC. In 2018, the Constitutional Court upheld a PN appeal to halt an EC investigation into the party, ruling that the EC could not simultaneously investigate and judge such issues. In May 2021, the EC cited that ruling when it declined to investigate allegations that the PL received illicit donations through Egrant, an offshore firm.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The LP and PN have regularly alternated power since independence in 1964, establishing a strong pattern of peaceful democratic transfers of power.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Voters are free from undue interference in their political choices. However, powerful economic interests influence the main political parties. In a September 2021 interview, construction magnate Joseph Portelli stated that he meets with officials to "speed up" development but denied receiving preferential treatment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights and electoral opportunities, though women's participation in politics remains low. Women hold only 9 of the parliament's 67 seats. Under a bill passed in April 2021, as many as 12 compensatory seats will be assigned to "the underrepresented sex" if its members win less than 40 percent of seats in future elections. The ADPD criticized the bill in January, saying it would benefit female PL and PN candidates in practice.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

While elected representatives are freely able to make policy, the Council of Europe's (CoE) Venice Commission criticized Malta for the disproportionate power of the executive in 2018. The government proposed and then won parliamentary approval for a constitutional reform package to address those concerns in July 2020. The Venice Commission welcomed the reforms, but criticized the lack of debate on the proposals.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Maltese anticorruption efforts are considered weak, and government officials and businesspeople have been linked to corruption and influence peddling. The Permanent Commission against Corruption (PCAC), created in 1988, lacked independent prosecutorial powers. The 2020 constitutional reform package empowered it to send its findings to the attorney general for further action. Under the reforms, legislators will select the PCAC chairperson instead of the prime minister.

The Panama Papers—a trove of documents leaked from a Panama-based law firm and made public in 2016—have led to multiple corruption allegations against Maltese officials. Targets included Muscat’s chief of staff, Keith Schembri, and former energy minister Konrad Mizzi; both individuals resigned in 2019 amid turmoil surrounding the 2017 murder of Caruana Galizia, who had accused them of corruption. Schembri, who had been arrested over a passport-distribution kickback scheme in 2020, was arrested on charges including money laundering and fraud in March 2021 and received bail in April. In December, the US State Department designated Mizzi and Schembri for corruption, making them unable to travel to the United States.

Caruana Galizia had accused energy firm Electrogas Malta of corruption before her death. Electrogas Malta stakeholder Yorgen Fenech was accused of orchestrating Caruana Galizia’s murder in 2019 and was formally indicted in August 2021. Fenech unsuccessfully moved to compel the trial’s presiding judge to recuse herself later that month. In September, Fenech’s lawyers accused the attorney general of involvement in the judge’s selection in a Constitutional Court filing. The judge in question continued to preside over the case as of year’s end, however.

Other incidents of official corruption surfaced in 2021. In December, PL legislator Ian Castaldi Paris said he would not contest the next election after he was ordered to pay €300,000 (\$340,000) in taxes and penalties over undeclared assets. Later that month, Education Minister Justyne Caruana resigned over revelations that she had inappropriately awarded a contract to a personal friend.

The CoE’s Group of States against Corruption and its Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MON- EYVAL) have highlighted significant problems with Malta’s fight against corruption and money laundering. MONEYVAL reported that Malta was making progress in fighting money laundering in May 2021. In June, however, the Financial Action Task Force, an intergovernmental money laundering watchdog, added Malta to its “grey list” of countries that would face closer monitoring.

C3. Does the government operate with openness and transparency? 3 / 4

Malta has a Freedom of Information Law and asset disclosure rules for public officials. However, information requests are not always answered. In an April 2021 report, nongovernmental organization (NGO) Aditus reported that the government complied with only 54 percent of freedom-of-information requests made between 2015 and 2017. In May 2021, the country’s data protection chief called for the law to be revised, criticizing his office’s limited powers under the current legislation.

Details of government contracts are often withheld from the public. In December 2021, the NAO criticized an opaque government agreement allowing Vitals Global Healthcare to operate three public hospitals in 2015. The NAO noted a lack of documentation, the company’s failure to meet its obligations, and concerns surrounding the company’s condition among other issues.

CIVIL LIBERTIES: 54 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

The media are generally free and diverse. Residents have full access to international services and domestic outlets, though state-owned media favor the government. Maltese journalists face harassment and libel accusations.

Journalists, especially those investigating corruption, face physical dangers. In late September 2021, blogger Manuel Delia said he would leave Malta after receiving several threats. In October, Newsbook received threatening messages over its coverage of Yorgen Fenech and Alex Dalli but vowed to continue its work.

Libel has been decriminalized but remains a civil offense. In 2020, Matthew Caruana Galizia, one of the late journalist's sons, disclosed that his mother faced a total of over 40 libel cases which were still being contested by her family. In April 2021, the European Parliament called on the European Commission to propose anti-SLAPP (strategic lawsuit against public participation) legislation and called on Malta to introduce domestic protections.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution establishes Roman Catholicism as the state religion, but religious minorities worship freely. A 2016 legal reform decriminalized the vilification of religion, and blasphemy, and banned the incitement of religious hatred.

The parliament is considering an equality bill that, among other things, would prohibit workplace discrimination based on several characteristics, including religious identity. Catholic schools, parents' associations, and bishops objected, warning that the bill would limit their ability to hire educators. The bill, which would allow faith to be considered as a hiring factor in some circumstances, remained under consideration as of November 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The education system is free from extensive political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are generally free to express their personal views on political or other sensitive topics without fear of surveillance or retribution. However, many Maltese, particularly public-service employees, fear retribution for criticizing powerful actors. Social media harassment, especially against journalists, is widespread.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution provides for freedom of assembly, and this right is respected.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs, including human rights defenders, generally operate without state interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law recognizes the right to form and join trade unions, engage in collective bargaining, and strike. Antiunion discrimination by employers is relatively uncommon.

F. RULE OF LAW: 14 / 16 (-1)**F1. Is there an independent judiciary? 4 / 4**

The judiciary is generally independent. The Judicial Appointments Committee (JAC) makes recommendations on judicial appointments to the prime minister except for the chief justice, who serves as JAC chair.

Observers have voiced concerns over judicial independence in the past. In 2018, the Venice Commission noted weaknesses in the judicial branch that undermined its independence. In July 2021, the European Commission reported that reforms undertaken in 2020 have positively contributed to judicial independence. The report also noted that the procedures for removing judges and magistrates were improved in 2020.

In 2019, arguing that the prime minister maintained “arbitrary discretion” over judicial matters, the NGO Repubblika initiated proceedings to send the law on the appointment of judges to the Court of Justice of the European Union (CJEU) for review. The CJEU ruled that the prime minister’s use of a shortlist to select judges did not violate European Union (EU) law in April 2021, and Repubblika withdrew its case in May.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Police and prosecutors typically observe due process guarantees, including access to defense counsel and protection against arbitrary arrest. However, court cases take far longer to resolve than the EU average.

In 2020, a magistrate opened an investigation into former police commissioner Lawrence Cutajar over allegations that he leaked information to Melvin Theuma, the “middle-man” in the Caruana Galizia murder. In May 2021, the *Times of Malta* reported that former police superintendent Ray Aquilina was also suspected of leaking information to Theuma and regularly communicated with a business associate of Yorgen Fenech.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4 (-1)

Maltese authorities generally do not engage in torture or ill-treatment of detainees. Rates of violent crime are low. However, prisoners and detained asylum seekers have been subjected to physical mistreatment, including torture, in recent years.

In January 2021, the European Union Agency for Asylum (EUAA) disclosed that it received reports of detained migrants facing torture, solitary confinement, denial of medical care, and other forms of ill-treatment. That same month, the *Times of Malta* reported that detainees had attempted suicide to protest their treatment.

A number of inmates have died in Maltese prisons in recent years. In August 2021, the government appointed an inquiry board to examine correctional procedures after an inmate at Corradino Correctional Facility died by suicide. Some 14 prisoners at Corradino died between mid-2018 and November 2021, when prisons director Alex Dalli stepped aside. Two inmates accused prison authorities of engaging in ill-treatment in a police report filed that same month. In December, the inquiry presented its recommendations to the government, including the creation of a prisons ombudsman and of an independent entity to assess care in prisons; Home Affairs Minister Byron Camilleri vowed to adopt its recommendations. Dalli, meanwhile, was formally dismissed that month.

Score Change: The score declined from 4 to 3 due to the alleged ill-treatment of prisoners, including torture, and a concurrent series of deaths in custody in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Discrimination based on gender, race, sexual orientation, and religion is prohibited by law, which is generally enforced, but a gender pay gap persists. Transgender people may express their gender identity on government documents.

Malta largely complies with international and EU rules on refugees and asylum seekers. However, NGOs working with migrants and refugees sometimes report police harassment and hostility by far-right groups. Many asylum seekers are confined in overcrowded and squalid detention centers.

Maltese authorities also resist the acceptance of migrants rescued at sea. An OHCHR report published in May 2021 noted incidents where the Maltese armed forces ignored seafaring migrants in distress, provided insufficient support, or engaged in “dangerous rescue and interception practices.” In October 2021, the CoE’s human rights commissioner criticized Malta for its treatment of migrants traveling by sea.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Residents enjoy full freedom of movement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

There are no significant restrictions on property rights, and the legal framework is supportive of private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Divorce was legalized in 2011, and subsequent laws have legalized same-sex marriage and adoption by same-sex couples.

Abortion is prohibited, leaving Maltese to acquire medication online or travel abroad to seek abortions. In practice, Maltese are rarely charged for seeking or providing abortions; only three people have been convicted of having an abortion between 2000 and mid-2021. Involuntary abortions resulting from secondary effects when a woman is undergoing medical treatment are not prosecuted.

Reports of domestic violence are increasing. In April 2021, the National Statistics Office reported a 41.2 percent increase in domestic violence between 2016 and 2019. In June 2021, the government renewed its strategy to combat gender-based violence and domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents generally enjoy fair access to economic opportunity and protection from labor exploitation, though migrant workers are vulnerable to labor and sex trafficking or conditions that amount to forced labor. The leader of a leading Maltese trade union has claimed that some migrants are being paid less than one euro an hour for their labor.

Marshall Islands

Population: 60,000

Capital: Majuro

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Republic of the Marshall Islands (RMI) is a stable democracy with regular, competitive elections, an independent judiciary, and a free press. Civil liberties are generally respected. Persistent problems include corruption, gender discrimination, domestic violence, and human trafficking.

KEY DEVELOPMENTS IN 2021

- In February, the RMI announced that it would move to end its membership in the Pacific Islands Forum. The RMI and four other member states announced their intention to depart after the RMI's candidate for secretary-general, Gerald Zackios, was not selected for the post. The decision to leave will take effect in 2022.
- In November, 10 US House of Representatives members urged the administration of President Joe Biden to focus on Compact of Free Association (CFA) renewals with the RMI, the Federated States of Micronesia (FSM), and Palau, citing concerns of Chinese influence in the region. The current agreement with Majuro will expire in 2023.
- Preliminary census results showing a significant population decline between 2011 and 2021 were released in November. As many as 25,000 Marshallese may have migrated during that period.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who is elected by the unicameral legislature from among its members for four-year terms, nominates fellow lawmakers to serve as cabinet ministers, and they are formally appointed by the parliament speaker.

The parliament elected David Kabua, son of the first president of the Marshall Islands, Amata Kabua, to the post in January 2020. He succeeded Hilda Heine, the first woman to be head of state of a Pacific Island country, who lost her coalition after the November 2019 elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The Nitijela (parliament) consists of 33 members, with 19 seats directly elected in single-member districts and five multimember districts with between 2 and 5 seats. Members serve four-year terms. Elections are officially nonpartisan, and lawmakers are free to form alliances and change party affiliations after taking office.

The November 2019 elections were affected by low turnout. The opposition made significant parliamentary gains during that contest.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The constitutional and legal framework provides for democratic elections and is implemented impartially.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Parliamentary elections are technically nonpartisan, but politicians can organize in groupings that compete freely and do not encounter obstacles from state or nonstate actors. These groups tend to function as loose coalitions among lawmakers, and representatives switching between them is common.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has an established record of democratic transfers of power between rival groups. Some governments have been replaced as a result of elections, while others have been toppled by no-confidence votes.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

There are no significant undue constraints on the political choices of voters or candidates. Traditional chiefs play an influential but gradually waning role in politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Naturalized citizens were allowed to run as candidates in the 2015 and subsequent elections, after a court ruling found that a 1980 law requiring parliamentary candidates to have at least one Marshallese parent and traditional land rights was unconstitutional.

Women have full political rights, though entrenched gender roles limit their participation to some extent. Hilda Heine was the country's first woman president. Only two women entered the 33-member Nitijela in 2019—Heine and newly elected Kitlang Kabua.

In 2019, the Supreme Court removed a 2016 law that banned absentee voting. However, that law's undoing did not take effect by the November 2019 elections, as the court recognized that there was too little time for the government to implement the changes. An estimated 30,000 Marshallese citizens, around a third of the country's citizenry, live in the United States and had a growing influence in the 2011 and 2015 parliamentary and mayoral elections, before the law was set in place.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

There are no undue restrictions on the elected government's ability to form and implement laws and policies. A body of chieftains from the Ralik and Ratak Island chains, the Council of Iroij, has an advisory role under the constitution. Its 12 members can offer joint opinions and request reconsideration of any bill affecting customary law, traditional practices, land tenure, and related matters. Concerns of Chinese influence persist, despite the RMI's trade deal with Taiwan and deep ties to the United States.

The RMI has close relations with the United States under the 1986 CFA, which allows the US military to operate in the RMI in exchange for defense guarantees and development assistance. A component of the compact in force through 2023 calls for the United States to provide annual aid, including contributions to a trust fund for the country. In November 2021, 10 US House of Representatives members urged the Biden administration to focus on CFA renewals with the RMI, the FSM, and Palau, citing concerns of Chinese influence.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption has been a chronic problem, though auditing bodies and the independent courts are somewhat effective in detecting abuses and holding officials accountable. High-ranking public officials, however, are rarely prosecuted for corruption. Corruption is most prevalent in the allocation of foreign aid, government procurement, and transfers. In 2020, the United Nations and the government of New Zealand launched a regional anticorruption project, with over \$16 million in funds that would operate in 13 Pacific Island countries, including the RMI.

The number of fraud cases prosecuted by the auditor general increased in both 2019 and 2020, a possible sign of added effectiveness due to new funding from the World Bank. In September 2020, Auditor General Junior Patrick reported a total of 13 corruption allegations since that January, including embezzlement, misappropriation of public assets, abuse of office, and tax evasion.

In 2020, a three-year review of the government's passport program found numerous internal control and compliance problems. Over 500 passports had been issued to non-Indigenous Marshallese who did not have evidence of legal citizenship. In several instances, passport applications were approved without the required documentation at the instruction of high-ranking officials.

C3. Does the government operate with openness and transparency? 3 / 4

There is no strong legal mechanism for obtaining access to government information, but documents can often be obtained through the courts. Auditors have repeatedly found invalid or poorly documented spending practices at government ministries, agencies, and state-owned enterprises.

CIVIL LIBERTIES: 55 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

The government generally respects the freedoms of speech and the press. A privately owned newspaper, the *Marshall Islands Journal*, publishes articles in English and Marshallese. Broadcast outlets include both government- and church-owned radio stations, and cable television offers a variety of international news and entertainment programs.

Internet access is expanding, reaching nearly 40 percent of the population in 2018, but it remains limited due to poor infrastructure and high costs. In August 2021, the World Bank agreed to finance an \$30 million internet-access project in the RMI.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedoms are respected in practice. Religious groups are not required to register with the government, but those that register as nonprofits are eligible for tax exemptions.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no significant restrictions on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Citizens are generally free to discuss their political opinions, and there are no reports of improper government surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The government upholds constitutional guarantees of freedom of assembly. Protests in recent years have addressed issues including climate change, women's rights, and the legacy of US nuclear weapons tests in the country.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Civil society groups, many of which are sponsored by or affiliated with church organizations and provide social services, operate freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Constitutional and legal provisions that protect freedom of association also apply to trade unions. However, there are no laws regulating the right to strike, and few employers are large enough to support union activity among their workers.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The constitution provides for an independent judiciary, and the judiciary generally operates without political interference. Judges are appointed by the cabinet on the recommendation of the Judicial Service Commission, and the legislature confirms the appointments. High Court and Supreme Court judges can only be removed by a two-thirds vote in the Nitijela, for clear failure or inability to perform their duties or for serious crimes or abuses.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The authorities generally observe legal safeguards against arbitrary arrest and detention. The state provides lawyers for indigent defendants, and due process standards for trials are upheld.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Violent street crime and other such threats to physical security are relatively rare, though conditions in the country's few prison and jail facilities are sometimes overcrowded or otherwise below international standards.

Dangerous radiation levels on various atolls of the RMI—with levels similar to those observed after the 1945 atomic bombing of Hiroshima and the 2011 Fukushima nuclear accident—were caused and hidden by the US military but have been reported on in recent years. From the 1940s through the 1950s, the US military displaced Marshallese living on various atolls, detonated 67 nuclear bombs, destroyed entire islands, and dumped 130 tons of irradiated soil from Nevada into Runit Dome on the atoll Eniwetok. Further, the US government withheld key information about the contents of Runit Dome and falsely claimed it would be safe for the Marshallese to return before the 1986 CFA was signed. An international tribunal created by the RMI and United States in 1988 acknowledged \$2.3 billion in claims to be paid by the US government; only \$4 million had been paid out by 2010.

In 2019, then president Heine called on the US government to pay to repair Runit Dome, which was found to be leaking, further endangering the nearby population. In 2020,

the United States declared that Runit Dome was safe, despite RMI-provided evidence to the contrary. The RMI's Nuclear Commission claimed that the US report contains no new analysis and ignores evidence and information from local communities. In October 2021, members of a US House of Representatives subcommittee criticized the Biden administration, saying that its stance on Runit Dome was affecting CFA renewal negotiations. In November, House of Representatives members Raúl Grijalva and Katie Porter called on the US Energy Department to release more information about the state of Runit Dome.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women generally enjoy equal treatment under the law, but there is no explicit ban on discrimination in employment, and women face disadvantages in the workplace in practice. While same-sex sexual activity was decriminalized in 2005, discrimination based on sexual orientation and gender identity is not prohibited by law.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is generally respected. Marshallese citizens have the right to live and work in the United States and to travel there without a visa. In recent years, sea level rise due to climate change has become a more prominent impetus for Marshallese citizens to move to the United States, in a trend known as voluntary out-migration. As many as 25,000 people left the RMI due to out-migration between 2011 and 2021 according to preliminary census data released in November 2021.

In 2019, a dengue fever outbreak prompted a state-of-emergency declaration and a domestic travel ban throughout the Marshall Islands. The outbreak was severe, and the state of emergency was extended into 2020. That March, restrictions were further tightened to prevent the spread of COVID-19. All travel into the Marshall Islands, including for Marshallese citizens, was banned for much of 2020, as was, at times, all outbound travel. These restrictions were eased as 2021 progressed in order to facilitate repatriation.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals have the rights to own property and establish private businesses, and these rights are largely observed in practice. Land ownership is, however, subject to complex local ownership rules and norms.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are mostly upheld. However, the minimum age for marriage is 16 for women and 18 for men; about a quarter of women aged 20–24 were married by age 18. While domestic violence remains widespread, reporting of the problem has increased in recent years possibly due to improved processes for obtaining orders of protection. Eight domestic violence complaints were filed in the first five months of 2021, while 10 were recorded in all of 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The government enforces a minimum wage law, though it does not apply to the informal sector. Some local and East Asian women are subjected to forced prostitution in a trade that

depends on visiting freight or fishing vessels. The RMI remains on the Tier 2 watchlist of the US State Department's *Trafficking in Persons Report 2021* due to the RMI's limited policing of human trafficking, though the State Department noted the government's efforts to improve.

Mauritania

Population: 4,800,000

Capital: Nouakchott

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Mohamed Ould Abdel Aziz, who first came to power through a military coup and won a second term in a deeply flawed 2014 election, stepped down peacefully after a relatively credible 2019 election. The poll came on the heels of successful legislative elections held in 2018, which were more pluralistic than past elections. A variety of media outlets operate, but journalists risk arrest for reporting on sensitive topics and many self-censor. Black Mauritians, the Haratin population, women, and LGBT+ people face discrimination. The government has taken increased steps to implement laws that address the problem of institutionalized slavery and discrimination but continues to arrest antislavery and anti-discrimination activists.

KEY DEVELOPMENTS IN 2021

- In January, police in Nouadhibo arrested journalist Salem Kerboub and two others who helped Kerboub gather information for his reporting on the COVID-19 pandemic. Kerkoub had posted on Facebook denouncing fraud in the government's management of COVID-19 funds.
- In March, former president Ould Abdel Aziz was charged with corruption, money laundering, and misappropriation of public funds. He had been under house arrest since August 2020 and was taken into custody in June 2021 for noncompliance with his house arrest requirements and for disturbing the public order.

POLITICAL RIGHTS: 14 / 40

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is chief of state and is directly elected to up to two five-year terms by popular vote. In June 2019, Mauritians elected Mohamed Ould Ghazouani to replace Ould Abdel Aziz, whose second term came to an end. Ould Ghazouani, of the ruling Union for the Republic (UPR), won 52 percent of the vote in the first round. Antislavery activist Biram Dah Abeid came second with 19 percent. Mohamed Ould Boubacar, the Islamist party Tawassoul's candidate, won 18 percent.

The authorities dismissed opposition claims of electoral misconduct and fraud. Local and international observers noted irregularities but praised the poll's peaceful conduct and found it generally satisfactory. For the first time in its history, Mauritania experienced a peaceful transfer of power after the incumbent completed his term, signaling a departure from a history of military coups.

The prime minister is head of government and is appointed by the president. President Ould Ghazouani named Mohamed Ould Bilal, a longtime public official, to succeed Ismail Ould Bedda Ould Cheikh Sidiya in August 2020. Ould Bilal's predecessor resigned after he and several other ministers were implicated in a corruption case.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Constitutional reforms adopted through a 2017 referendum dissolved the Senate, leaving the 157-seat National Assembly as the country's legislative body. Members are directly elected to five-year terms in a mixed system of direct and plurality voting; four members are directly elected by the diaspora.

Ninety-eight political parties participated in the September 2018 National Assembly elections, including members of the opposition National Front for the Defense of Democracy (FNDU), a coalition that boycotted previous elections. The ruling UPR won 89 seats, while Tawassoul, the largest opposition party, won 14.

A coalition of opposition groups called the elections fraudulent, but most Mauritanian politicians as well as African Union (AU) observers deemed them credible. AU observers said "imperfections" in the process did not appear to have affected the polls' credibility.

Abeid, a head of the Initiative for the Resurgence of the Abolitionist Movement in Mauritania (IRA Mauritania), an antislavery group, won a seat in the parliament in 2018. However, he was arrested allegedly without a warrant and held in pretrial detention during the elections as authorities investigated claims that he had threatened a journalist, which IRA Mauritania denied. Abeid was released later that year after receiving a sentence shorter than time served.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

In 2018, the government appointed a new Independent National Electoral Commission (CENI) following a series of dialogues with some opposition parties. However, the FNDU, which had boycotted the dialogue process, rejected the commission and demanded its dissolution. That July, the government appointed a former FNDU member as CENI president. Despite the controversies over its composition, the new commission organized 2018 elections that were generally viewed as successful. In 2019, prior to the presidential elections, government and opposition groups agreed to a compromise that allowed members of the opposition greater participation in the CENI.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Several obstacles prevent parties from successfully mobilizing their bases. A 2018 decree commanded the government to dissolve all political parties unable to gain at least 1 percent of votes in two consecutive district elections. In March 2019, 76 parties were disbanded under the decree.

Demonstrations organized by political parties are often prevented or dispersed. Authorities have denied registration to activist parties, including the Progressive Forces for Change and the Radical Party for a Global Action, which oppose racial discrimination and slavery. The Progressive Forces for Change's legal petition to gain recognition has been pending

before the Supreme Court since 2015. The ruling party is frequently successful in efforts to co-opt leaders of smaller parties with comparatively fewer resources.

The environment for opposition figures has improved since President Ould Ghazouani came to power. Ould Ghazouani has met with opposition leaders and civil society activists, and in February 2020, the government quashed legal proceedings against three prominent critics of former president Ould Abdel Aziz. One of the critics who had not resided in Mauritania since 2011, Ould Limam Chafi, returned in October 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Most opposition parties lack an institutional base. Some are formed by splinter factions of the UPR that later rejoin it, sometimes because of active co-optation. After boycotting elections for years, opposition parties participated in recent presidential and legislative elections. Although the UPR benefitted from incumbency advantages in the 2019 presidential election, opposition parties managed to gain sizable number of votes, totaling over 47 percent.

Though opposition parties took part in the September 2018 elections, the UPR remained dominant, winning a large legislative majority. Opposition parties fared somewhat better in the municipal and regional elections. Opposition leaders may face repression for criticizing government policies.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The political choices of Mauritians are greatly influenced by the military, which plays a key role in the political system. Since 1978, Mauritania has either been under military rule or led by a military leader, with the exception of 18 months of civilian government between 2007 and 2008. President Ould Ghazouani is a former defense minister and general, though he was elected in a competitive and democratic poll. Though in recent years the overt influence of the military in politics has receded somewhat, the influence of religious leaders has grown stronger.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The Bidhan ethnic group dominates the Mauritanian government, while Black Mauritians and the Haratin ethnic groups are underrepresented in elected positions and in high-level government roles. Discrimination hinders the ability of these groups to gain power. Thousands of Black Mauritians who were forced out of their villages by the military in 1989 have been allowed to return, but face difficulties when trying to enroll in the census and register to vote. Civil society activists have denounced the increasing importance of tribal affiliation in government appointments.

Women participate in politics at lower levels than men, largely due to cultural norms, and women's interests are poorly represented in national politics in practice. Women hold 31 of the 157 National Assembly seats.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The executive dominates the legislative branch. The president has the power to dissolve the National Assembly, but the legislature has no impeachment power over the president. The military maintains a great deal of influence on policymaking.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Despite numerous anticorruption laws and anti-money-laundering and anti-terror-financing measures, corruption remains widespread, and laws are not effectively enforced. Public contracts are typically awarded in exchange for bribes or on the basis of patronage. Bribes are often necessary for ordinary government processes like obtaining licenses and permits.

The Ould Ghazouani government has ostensibly prioritized combating corruption. In December 2021, the government increased the number of state auditors. However, critics claim the government at times uses anticorruption efforts to target political opponents.

In March 2021, former president Ould Abdel Aziz was charged with corruption, money laundering, and misappropriation of public funds. He had been under house arrest since August 2020 and was taken into custody in June 2021 for noncompliance with his house arrest requirements and for disturbing the public order. Fourteen other high-profile members of Ould Abdel Aziz's government are under investigation. In May, several civil society organizations created an anticorruption alliance to help the government recover funds stolen during Ould Abdel Aziz's tenure.

C3. Does the government operate with openness and transparency? 1 / 4

The government does not operate with transparency, particularly in granting mining and fishing licenses, land distribution, government contracts, and tax payments. The construction of a new airport in Nouakchott that opened in 2016 drew criticism—a company with no experience in airport construction won a contract to build the facility through an opaque procurement process.

CIVIL LIBERTIES: 21 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 2 / 4**

Mauritania has a vibrant media landscape, with several privately owned newspapers, television stations, and radio stations in operation. However, journalists who cover sensitive topics or scrutinize the political elite may face harassment, wiretapping, and occasional arrest. Several repressive laws remain on the books, including those criminalizing defamation, the dissemination of "false" information, cybercrime, and blasphemy.

Authorities routinely arrest journalists for critical content they publish. Among other cases during 2021, in January, police in Nouadhibo arrested journalist Salem Kerkoub and two others who helped Kerkoub gather information. Kerkoub had posted on Facebook denouncing fraud in the management of COVID-19 funds.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Mauritania is an Islamic republic. Non-Muslims cannot proselytize or become citizens, and those who convert from Islam to another religion lose their citizenship. In practice, however, non-Muslim communities are not generally targeted with persecution.

Though no one has been executed for apostasy, it is punishable by death. In 2018, the parliament passed a law strengthening capital punishment for certain blasphemy offenses and removing the possibility of repentance to avoid a death sentence. In June 2020, journalist Eby Ould Zeidane was accused of blasphemy after he called for Ramadan to be held on fixed dates. He was released and officially repented the next month.

In July 2021, the government and the religious authorities decided to cancel the Eid al-Kebir prayer, a collective prayer held during a Muslim annual holiday, amidst a surge of

COVID-19 cases. In March 2020, authorities ordered the closure of mosques in response to COVID-19, though they were allowed to reopen that May. An imam accused of violating the closure order was arrested in Nouakchott in April 2020, though he was released from detention while awaiting trial the next month.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is largely respected. However, in 2018, the government instituted a new rule prohibiting high school graduates aged 25 and above to register in public universities. The rule was suspended in late 2019, after police violently dispersed a protest against the policy.

The increasing use of Arabic as the language of instruction in universities has hindered access to education for Black Mauritians, who mainly speak other languages. Student activists sometimes face pressure from university administrators, including threats of expulsion and intimidation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

In November 2021, the parliament passed a law aiming to protect national symbols. The law criminalizes acts associated with the violation of the principles and sanctity of the Islamic religion and the prestige of the State and its symbols, as well as the honor of citizens. The law punishes such acts whether they are committed using media, social media, or other digital communication technology. The opposition criticized the law, arguing that it may serve to further restrict free speech. Individuals have faced reprisals for expressing views critical of the government on social media, including termination of employment from government agencies.

In June 2020, the parliament approved legislation punishing the dissemination of purportedly false news, the creation of false identities online, and other offenses. Offenders can receive prison sentences of up to five years and fines ranging from 50,000 to 200,000 Ouguiya (\$1,400 to \$5,500).

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

While the constitution guarantees freedom of assembly, organizers are required to obtain consent from the government for large gatherings, which is often denied. While the government imposed COVID-19-related restrictions on assemblies in March 2020, protests did occur as the year progressed. In 2021, the government reintroduced some public gathering restrictions during two separate rises in coronavirus cases but lifted those measures as case numbers subsided.

In 2021, residents of several villages in southern Mauritania, including Ferallah and Ngawlé, in the Brakna and Trarza regions, respectively, protested against what they view as an unlawful expropriation of their land by the government and other powerful investors. Police harshly repressed participants of a November protest by Ngawlé villagers, arresting nine people.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Nongovernmental organizations (NGOs), particularly antislavery organizations, frequently encounter intimidation, violence, and repression in carrying out their activities.

In January 2021, the parliament passed a new law to replace the Law of Associations of 1964, considerably easing the process to create and register an organization by allowing associations to automatically gain legal status after filing their bylaws with the government. However, the Interior Ministry would be allowed to temporarily suspend associations without notice. In December 2021, the government announced the creation of an online platform for registering associations.

In December 2021, Biram Dah Abeid, the leader of the antislavery movement IRA Mauritania, announced that authorities had officially recognized the movement as a human rights organization. Since its creation in 2008, IRA Mauritania had repeatedly been denied permission to register as an NGO.

The Alliance for the Refoundation of the Mauritanian State, which opposes the country's caste system, has faced government scrutiny. Authorities arrested 14 people who attended its inaugural meetings on two occasions in February 2020. Five were kept in pretrial detention and convicted of "violating the sanctity of God" that October; two received prison sentences shorter than their detention and were released, while the other three were released later that month. Another three received sentences and fines in absentia.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers have the legal right to unionize, but unions require approval from the public prosecutor to operate and often confront hostility from employers. The right to collective bargaining is not always respected, and the government sometimes pressures union members to withdraw their membership. The right to strike is limited by notice requirements and other onerous regulations.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Mauritania's judiciary lacks independence. The president has the power to unilaterally appoint many key judges, including three of the six judges on the Constitutional Court and the chair of the Supreme Court. The courts are subject to political pressure from the executive branch. Instances of judges facing retaliatory measures for issuing rulings against the government have been reported.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are often not respected in practice. Suspects are frequently arrested without being informed of the charges against them. Lengthy pretrial detentions are common. Arbitrary arrests of opposition politicians, journalists, and human rights activists occur with some frequency.

In May 2021, the police broke into former president Ould Abdel Aziz's residence in search of evidence of embezzlement. Although they reportedly had a search warrant issued by a judge, the search occurred illegally, while neither Ould Abdel Aziz nor his lawyer was present.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Torture and abuse at Mauritania's prisons and detention centers remain problematic, and perpetrators are rarely held accountable. Prisons are plagued by violence, are overcrowded, and lack basic sanitation; food shortages are also common. Children are sometimes held with the adult prison population.

In December 2021, several people who had been arrested in Rosso went on a hunger strike to denounce prison overcrowding and inadequate food. Police frequently beat suspects following their arrest. In May 2020, three police officers were dismissed for assaulting a group they had arrested in Nouakchott, after one of them published a video of the incident online.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Same-sex sexual activity is illegal in Mauritania and punishable by death for men. LGBT+ individuals generally hide their sexual orientation or gender identity due to severe persecution. In January 2020, eight men attending a birthday celebration in a Nouakchott restaurant were arrested for “imitating women,” along with a woman, who received a suspended sentence, and the restaurant’s owner. The owner was acquitted, but the eight other defendants received two-year sentences for charges including indecency in February 2020, after police had described them as “sodomizers” to the court. In early March of that year, an appeals court upheld their convictions but suspended the sentences of seven men and reduced the sentence of the eighth. Racial and ethnic discrimination remains a serious problem.

Sharia law as it is applied in Mauritania discriminates against women. The testimony of two women is equal to that of one man. Female victims of crime are entitled to only half the financial compensation that male victims receive.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

While the Bidhan population is relatively free to make personal decisions about residence, employment, and education, the choices of Black Mauritians and the Haratin are often constrained by racial and caste-based discrimination. People without government identity cards are not allowed to travel in some regions, which disproportionately affects Black Mauritians.

COVID-19-related restrictions on movement were imposed periodically from March 2020 through 2021 during spikes in the number of coronavirus cases.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Though the law guarantees property rights, these rights are not always enforced in practice, as it can be difficult to get property disputes fairly adjudicated in court. Complex laws and an opaque bureaucracy present challenges to starting a business.

Many Black Mauritians who left their homes in the Senegal River Valley in the wake of the 1989 conflict have returned but have been unable to regain ownership of their land. Local authorities reportedly allow the Bidhan to appropriate land used by the Haratin and Black Mauritians. Residents of villages in southern Mauritania, including Ferallah and Ngawlé, in the Brakna and Trarza regions, respectively, have pushed back against what they see as unlawful expropriation of their land by the government and other powerful investors.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Many girls are married before the age of 18. Female genital mutilation (FGM) is illegal, but the law is rarely enforced, and the practice remains common. Domestic violence and rape remain problems, victims rarely seek legal redress, and convictions for these

crimes are rare. Laws banning adultery and morality offenses discourage sexual-assault survivors from reporting incidents to police. Parliament has rejected a bill sanctioning gender-based violence (GBV).

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Despite 2015 amendments to the antislavery law, slavery and slavery-like practices remain a challenge, with many former slaves still reliant on their former owners due to racial discrimination, poverty, and other socioeconomic factors. The government cracks down on NGOs that push for greater enforcement of the law and rarely prosecutes perpetrators. However, in July 2020, two slave owners received 10- and 15-year sentences, while a third received a suspended sentence. The court also ordered the government to ensure the legal status of the former slaves and their relatives.

Mauritius

Population: 1,300,000

Capital: Port Louis

Freedom Status: Free

Electoral Democracy: Yes

Overview: Mauritius is home to an open, multiparty system that has allowed for the regular handover of power between parties through free and fair elections. Civil liberties have historically been upheld but have increasingly been called into question. The political leadership remains dominated by a few families and ethnic divisions are increasingly prominent in politics. Corruption is a problem, journalists report increasing limitations and occasional harassment, integration of women into the political system has been slow, and LGBT+ people face threats and discrimination.

KEY DEVELOPMENTS IN 2021

- The Militant Socialist Movement (MSM) government indefinitely suspended municipal elections scheduled for June through the Local Government (Amendment) Act 2021, citing the COVID-19 pandemic. Concomitantly, authorities lifted other public health restrictions designed to curb the spread of the virus. As a result, the MSM has maintained power in local government without a mandate.
- In March, three leading opposition representatives were suspended for the remainder of the legislative session for lodging corruption allegations against the prime minister. The speaker of Parliament has on multiple occasions suspended or expelled opposition parliamentarians for publicly alleging corruption by the prime minister since revelations of the Angus Road corruption scandal in 2020.

POLITICAL RIGHTS: 36 / 40 (-1)

A. ELECTORAL PROCESS: 11 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, whose role is mostly ceremonial, is elected by the unicameral National Assembly to a five-year term. Pritivirajsing Roopun, a lawmaker from the MSM, was elected president in December 2019, following the previous month's parliamentary elections.

Executive power resides with the prime minister, who is appointed by the president from the party or coalition with the most seats in the legislature. Pravind Jugnauth of the MSM, who had succeeded his father as prime minister when the latter stepped down in 2017, was reinstalled with the success of the MSM in the 2019 elections. Despite numerous opposition challenges in the Supreme Court, the Mauritian Supreme Court and international groups have determined the elections were generally considered credible.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Of the National Assembly's 70 members, 62 are directly elected in 21 constituencies, including 2 members from a constituency representing the autonomous island of Rodrigues. Up to 8 "best losers" are appointed from among unsuccessful candidates who gained the largest number of votes to ensure fair representation of the country's different ethnic communities. The members of the National Assembly serve five-year terms. Rodrigues island has its own elected Regional Assembly.

The MSM's Morisian Alliance won 42 seats in the November 2019 National Assembly elections. The opposition National Alliance, led by former prime minister Navinchandra Ramgoolam's Mauritian Labor Party (PTR), took 17 seats, followed by former prime minister Paul Bérenger's Mauritian Militant Movement (MMM) with 9, and the Organization of the People of Rodrigues (OPR) with 2. Opposition leaders filed court challenges over alleged irregularities, but African Union (AU) election observers concluded that polling was conducted peacefully and professionally. Voter turnout was approximately 77 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (-1)

The Electoral Supervisory Commission is broadly viewed as impartially supervising the electoral process. There is no law on the financing of electoral campaigns. Long-running discussions on electoral reform and party financing laws have not led to any concrete action as of the end of 2021.

The MSM government indefinitely suspended municipal elections scheduled for June 2021 through the Local Government (Amendment) Act 2021, citing the COVID-19 pandemic. Concomitantly, authorities lifted other public health restrictions designed to curb the spread of the virus. As a result, the MSM has maintained power in local government without a mandate.

Score Change: The score declined from 4 to 3 because the parliament adopted legislation that indefinitely suspended imminent municipal elections allegedly due to public health concerns, even though general public health restrictions were partially lifted.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are generally free to form and operate. More than 70 parties competed in the 2019 elections, only four formed the government.

Former attorney general and PTR member Jayarama Valayden was arrested in May 2021 for violating the Quarantine Act's prohibition on gatherings of more than 10 people. However, Valayden was arrested at a peaceful rally with nearly 100 people, and other such rallies proceeded during the year without arrests. Opposition parties claim authorities used the law to target Valayden.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Since independence, political power has peacefully rotated among the three largest parties—the PTR, the MSM, and the MMM. The MSM has been in power since 2014, when it defeated the PTR.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally able to express their political choices without pressure from actors who are not democratically accountable. However, money plays an important role in politics, and there is no law on the financing of electoral campaigns. The Jugnauth and Ramgoolam families have long-running holds on political leadership positions, which may influence intraparty politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The government officially recognizes four distinct communities: Hindus, Muslims, Sino-Mauritians, and the general population, which includes Mauritian Creoles, Franco-Mauritians, and people of African descent. Ethnic minority groups such as Rodriguais and Chagossians are considered Creole. The Truth and Justice Commission (TJC) and the Equal Opportunities Commission (EOC) sought to ensure that all ethnic minority groups hold equal legal rights and access, though in practice linguistic nationalism has maintained a social hierarchy that marginalizes Mauritian Creoles politically and favors the Hindu majority, who hold most positions of political influence.

Women held 3 of 24 seats in the prime minister's cabinet as of 2021 and are generally underrepresented in politics. Fourteen women secured seats in the 2019 parliamentary elections. Local elections require that at least one-third of political parties' candidates in each district be women. Discrimination against LGBT+ people can discourage their active political participation.

C. FUNCTIONING OF GOVERNMENT: 10 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected representatives are duly seated, and the government has been able to make policy without interference or major political disruptions.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The country's anticorruption framework is robust. The Prevention of Corruption Act of 2002 covers most dishonest, fraudulent, and abusive governance practices but is inconsistently applied. Prime Minister Jugnauth has repeatedly come under scrutiny for what is known as the Angus Road corruption scandal, relating to the purchase of land in the early 2000s, which emerged in 2020. That year, the speaker of the parliament suspended or expelled opposition parliamentarians 14 times for publicly alleging corruption by the prime minister. In March 2021, three leading opposition representatives were suspended for the remainder of the legislative session for lodging additional corruption allegations.

C3. Does the government operate with openness and transparency? 3 / 4

The government openly debates the country's budget in the National Assembly, publishes it and other legislation online and in the press, and maintains a National Open Data

Portal. However, Transparency International has noted concerns about opaque hiring processes that may be affected by nepotism and cronyism. In 2020, the corruption watchdog warned of government opacity in the management of medical supplies during the COVID-19 pandemic, as well as ways in which nepotism led to the Wakashio oil spill. No law provides for individuals' access government information. The prime minister hasn't held open press conferences since August 2020, despite significant crises occurring during that time frame.

In May 2020, the National Assembly passed the Quarantine Act and the COVID-19 Act, which was criticized for increasing the discretionary powers of the prime minister without transparency requirements. Further, under these laws the prime minister does not need to consult with public health officials when setting public health guidelines. Policies instituted under the two laws do not need to incorporate an expiration date (sunset clause) for their implementation.

CIVIL LIBERTIES: 50 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

The constitution guarantees freedom of expression. Several private daily and weekly publications report on the ruling and opposition parties, but the state-owned Mauritius Broadcasting Corporation's radio and television services generally reflect government viewpoints. A small number of private radio stations compete with the state-run media. The media regulatory agency is within the executive branch and lacks independence. Its sanctions disproportionately target opposition media and under 2018 revisions to the Information and Communication Technologies (ICT) Act, journalists can face prison sentences for content that causes "inconvenience, distress, or anxiety."

Journalists occasionally face legal pressure. One of the main newspapers, *L'Express*, has faced verbal attacks by authorities, who have also reduced public advertising with the outlet. Its journalists have faced legal and other harassment, though no reporter has been imprisoned and most are broadly perceived as operating freely. *L'Express* and other media outlets have been barred from or marginalized in state briefings such as those on the 2020 Wakashio oil spill.

Critics fear that amendments proposed to the Independent Broadcasting Authority (IBA) Act in December 2021 could jeopardize the independence of private radio stations, posing a significant threat to press freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally upheld. The government grants subsidies to Hindu, Roman Catholic, Muslim, Anglican, Presbyterian, and Seventh-day Adventist communities, but not to smaller groups, though all religious groups may apply for tax-exempt status. Tensions between Muslim and Hindu communities continue to be reported.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally unrestricted. However, 2018 amendments to the Information and Communication Technologies (ICT) Act made the online publication of material

deemed false, harmful, or illegal punishable by up to 10 years in prison. In 2020 and 2021, multiple individuals were arrested under the ICT Act for expressing criticism of the government and its policies. In the first half of 2021, 153 cases were referred to the government's Cybercrime Unit—which investigates violations of the ICT Act—though the charges were shared with the public.

Proposed amendments to the ICT Act were released in April 2021 that would create government proxy servers through which all encrypted social media traffic must pass, be decrypted, and be stored. A National Digital Ethics Committee (NDEC) would be created in the executive branch and would be empowered to review social media posts and refer individuals for arrest without judicial review.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is usually upheld, though authorities' responses to some protests have raised concerns in recent years. The May 2020 passages of the COVID-19 Act and Quarantine Act have been cited by some as government overreach. All assembly was banned during the government-imposed lockdown, and provisions of the laws increased policing powers to enforce this provision and others.

In January 2021, authorities deployed security forces that were heavily militarized to intimidate and block peaceful protesters expressing anger over the Wakashio oil spill. However, a peaceful protest against the government was permitted in February 2021, the third such large demonstration since August 2020.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Civil society groups operate freely. However, many are reliant upon government funding that could compromise their independence.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Unions regularly meet with government leaders, protest, and advocate for improved compensation and workers' rights. There are more than 300 unions in Mauritius. However, the COVID-19 Act, passed in May 2020, has been criticized for limiting workers' rights, including through reductions of additional pay for night-workers and overtime, annual days of leave, and other protections in the Workers' Rights Act (WRA) of 2019. The law also specifically targets workers earning less than 50,000 Mauritian rupees (\$1,303) per month who work in sectors deemed essential and enables employers to bypass union negotiations and make direct requests for the mass termination of workers' contracts to a Redundancy Board created by the WRA; before the Act, employers had to negotiate with unions to find alternatives. Whereas before workers could file a grievance with the Commission for Conciliation and Mediation, under the COVID-19 Act, all decisions are made by the Redundancy Board. If the Board rules in favor of the worker, the worker receives a one-time financial compensation.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 3 / 4

The generally independent judiciary administers a legal system that combines French and British traditions. However, judicial independence has been questioned in some cases involving politicians.

Mauritius has maintained the right of appeal to the Privy Council in London.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutional guarantees of due process are generally upheld. However, Mauritian criminal law allows for police to charge suspects provisionally and then hold them for months until a formal charge is issued. Due to court backlogs, many of those being held in prison are in pretrial detention, and some detainees reportedly wait years before facing trial.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Mauritius is free from war and insurgencies, and the 2016 Independent Police Complaints Commission (IPCC) was formed to manage complaints. However, allegations of abuses by police continue. Under the Quarantine Act passed in May 2020, police powers were extended to include boarding a ship or aircraft, entering private premises without a warrant, and arresting someone without a warrant believed to be in violation of the Act.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Though the law and the EOC do not allow for discrimination in the workforce, some citizens view economic leadership to be closed to ethnic minority groups. Chagossians and other minorities form an underclass, while Hindu Mauritians are more privileged, albeit within a differentiated ethnic structure with remnants of a caste system. Women generally earn less money than men for equal work.

LGBT+ people face discrimination and the risk of targeted violence. Laws that criminalize same-sex relations remain on the books, even if rarely invoked.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Citizens are generally allowed to move freely within Mauritius, but there are restrictions on travel to the Chagos Islands. Mauritians are free to change their place of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Mauritius is considered among the most business-friendly countries in Africa. However, the Non-Citizen Property Restriction Act limits most noncitizens from owning or acquiring property. Corruption can hamper business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not limit social freedoms, though same-sex unions are not recognized. Rape is against the law, but spousal rape is not specifically criminalized. Domestic violence is illegal but remains a significant concern.

In June 2021, Mauritius added provisions to the Quarantine Act requiring all citizens be vaccinated with at least one dose of a COVID-19 vaccine. Penalties for violating the requirement include up to a five-year jail term.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Women and children are vulnerable to sex trafficking. While the government has made some efforts to prosecute traffickers and provide services to victims, these efforts are generally inadequate.

The position of migrant workers in the manufacturing and construction sectors can be precarious. During the COVID-19 pandemic, Mauritian labor rights advocacy organizations have claimed that the government's rolling back of labor protection laws have led to more exploitation of migrant workers.

Mexico

Population: 128,800,000

Capital: Mexico City

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Mexico has been an electoral democracy since 2000, and alternation in power between parties is routine at both the federal and state levels. However, the country suffers from severe rule of law deficits that limit full citizen enjoyment of political rights and civil liberties. Violence perpetrated by organized criminals, corruption among government officials, human rights abuses by both state and nonstate actors, and rampant impunity are among the most visible of Mexico's many governance challenges.

KEY DEVELOPMENTS IN 2021

- With nearly 300,000 deaths and 4 million cases, people in Mexico remained severely affected by the COVID-19 pandemic throughout the year, although nearly 63 percent of the population had received at least one vaccine dose by year's end.
- In midterm elections in June, President Andrés Manuel López Obrador's National Regeneration Movement (MORENA) and its coalition allies maintained a majority in the lower house of Mexico's Congress, but lost the supermajority they had held since 2018. MORENA made gains at the state level, with candidates winning 11 of 15 gubernatorial races.
- President López Obrador continued to verbally attack his critics and perceived opponents, including media outlets, civil society organizations, and autonomous state institutions, routinely using inflammatory language.
- Mexico remained one of the most dangerous countries in the world for members of the media. As of November, at least seven reporters had been killed, along with hundreds of threats and attacks attributed to organized crime groups, political officials, and various other actors.

POLITICAL RIGHTS: 27 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected to a six-year term and cannot be reelected. Andrés Manuel López Obrador of the left-leaning National Regeneration Movement (MORENA) won the 2018 poll with a commanding 53 percent of the vote. His closest rival, Ricardo Anaya—the candidate of the National Action Party (PAN) as well as of the Democratic Revolution Party (PRD) and Citizens' Movement (MC)—took 22 percent. The results of the 2018 poll represented a stark repudiation of outgoing president Enrique Peña Nieto and the Institutional Revolutionary Party (PRI), which took just 16 percent of the vote.

A 2019 constitutional amendment enables citizens to initiate a recall referendum halfway through the president's term. López Obrador considers the recall an opportunity to reinforce his political authority, and in December 2021 both the Supreme Court and the Federal Electoral Tribunal (TEPJF) ordered the National Electoral Institute (INE) to move forward with planning the referendum for April 2022, despite INE's claim that the state had budgeted insufficient resources to undertake the balloting.

The 2018 election campaign was marked by violence and threats against candidates for state and local offices; at least 145 people died because of election-related violence. Accusations of illicit campaign activities remained frequent at the state and municipal level.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Senators are elected for six-year terms through a mix of direct voting and proportional representation, with at least two parties represented in each state's delegation. In the Chamber of Deputies, the lower house of the bicameral Congress, 300 members are elected through direct representation and 200 through proportional representation, each for three-year terms. Under a reform that took effect for legislators elected in 2018, senators are eligible to serve up to two six-year terms, and deputies are permitted to serve up to four three-year terms.

Since the 2018 elections, the MORENA-led coalition has commanded a majority in the 128-member Senate with 70 seats, compared to 24 for the PAN and 15 for the PRI. In the June 2021 Chamber of Deputies balloting, MORENA won 198 seats; combined with its allies in the Workers' Party (PT) and the Green Party (PVEM), the governing coalition maintained a majority with 278 seats, but lost the supermajority that had allowed it to pursue constitutional changes. The PAN led the opposition, winning 114 seats, while its electoral coalition partners in the PRI and PRD won 70 and 15 seats, respectively.

Accusations of illicit campaign activities are frequent at the state and federal level, and violations reported in 2021 included misuse of public funds, vote buying, and widespread flouting of campaign finance laws.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The INE supervises elections and enforces political party laws, including strict regulations on campaign financing and the content of political advertising, although control is uneven in practice. While the 2018 and 2021 elections were both generally considered free and fair, the INE and the TEPJF struggled to comprehensively address problems including misuse of public funds, vote buying, and non-transparent campaign financing. Throughout 2021, the INE and the TEPJF were subjected to frequent verbal attacks by López Obrador and MORENA supporters, especially after the party's gubernatorial candidates in Guerrero and Michoacán were among the dozens of MORENA candidates disqualified for failing to file campaign spending reports. However, the administration of the June balloting was considered successful.

President López Obrador has extolled the use of referendums known as citizen consultations. In August 2021, only 7 percent of voters turned out for a consultation on whether to initiate investigations into criminal conduct by López Obrador's five immediate presidential predecessors, far below the 40 percent necessary for the poll to be binding.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Mexico's multiparty system features few official restrictions on political organization and activity. Opposition parties are competitive in many states, and independent candidacies are becoming more common, though independents achieved few wins in 2021. MORENA includes a wide range of ideological and political currents, and internal tensions were visible during the 2021 campaign. Most opposition parties, meanwhile, base their strategies around mobilizing anti-MORENA sentiment rather than proposing coherent policy agendas.

Nearly half of Mexico's states held gubernatorial elections in 2021. MORENA candidates won in 11 of the 15 races, cementing the party's strength at the subnational level. MORENA officials now govern 16 states and Mexico City. However, opposition candidates demonstrated strength in many urban areas and won a majority of Mexico City's boroughs, reversing previous MORENA dominance in the city.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power has routinely changed hands at the national level since 2000. The dominant victory of López Obrador and MORENA in 2018 followed six years of government control by the PRI, which had ruled Mexico without interruption from 1929 to 2000, before losing consecutive presidential races to the right-leaning PAN in 2000 and 2006.

In order to avoid fragmenting the anti-MORENA vote in the 2021 elections, the PAN, PRI, and PRD united in an electoral coalition, resulting in increased seat share, though the PRI's precipitous decline at all levels continued. The opposition also made gains in large cities and among middle-class voters, revealing possible shifts in the electorate that could increase competitiveness in subsequent elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Criminal groups, while increasingly fragmented, exert powerful influence on the country's politics through threats and violence against candidates, election officials, and campaign workers, particularly at the local level. At least 102 political officials were killed in campaign-related violence during the 2021 election season, including 36 candidates; according to election violence monitoring group Etellekt Consultores, 77 percent of the 1,066 election-linked attacks involved municipal races.

The López Obrador administration has assigned an increasing number of governance tasks to the military, one of Mexico's least accountable institutions. The army is involved in the construction of several of the president's signature projects, and in March 2021 the government announced that the army would maintain control of a tourist railroad in the Yucatán Peninsula known as the Maya Train—and receive any profits—upon the project's completion, heightening concerns about military politicization.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Mexico has a large Indigenous population, and Indigenous people and groups are free to participate in politics. There are some provisions for the integration of Indigenous community customs in electing leaders in some states, though only for local authorities. In practice, Indigenous people remain severely underrepresented in political institutions. Mexico's small Afro-Mexican population is similarly underrepresented in national politics, though they are recognized in the constitution.

The 2018 and 2021 elections confirmed the success of gender requirements for candidacies and party lists: following the 2021 elections, 50 percent of representatives in the Chamber of Deputies and 49 percent in the Senate are women. Women also won an unprecedented six gubernatorial elections in 2021. However, the 2021 elections were marked by controversy surrounding MORENA's gubernatorial candidate in Guerrero, Félix Salgado Macedonio, who faced multiple rape allegations. Women's rights advocates faulted President López Obrador for continuing to support Salgado; following his disqualification for campaign finance violations, his daughter replaced him and was elected governor.

C. FUNCTIONING OF GOVERNMENT: 5 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

Organized crime and related violence have limited the effective governing authority of elected officials in some areas of the country, as well as of the federal government. Members of organized crime groups have persisted in their attempts to infiltrate local governments in order to plunder municipal coffers and ensure their own impunity, a practice that again influenced electoral dynamics in 2021. The notorious and still unsolved mass disappearance of 43 students in Guerrero in 2014 was linked to a deeply corrupt local government collaborating with a drug gang, as well as corrupt or complicit members of various state security forces. In the most violent regions, the provision of public services has become more difficult, as public sector employees face extortion and pressure to divert public funds.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Official corruption remains a serious problem. The billions of dollars in illegal drug money that enter the country each year from the United States profoundly affect politics, as does rampant public-contract fraud and other forms of siphoning off state funds. Attempts to prosecute officials for alleged involvement in corrupt or criminal activity have often failed due to the weakness of police and judicial capacity.

The López Obrador administration has made the pursuit of corruption a mantra, and a series of prominent figures from the Peña Nieto administration have been indicted or arrested on graft charges. However, critics describe López Obrador's anticorruption efforts as politicized and generally ineffective. Political opponents are arrested with great fanfare, but few convictions have occurred. In contrast, investigations involving government allies and favored institutions are rare or perfunctory, as exemplified by the case of former army chief Salvador Cienfuegos, who was exonerated by prosecutors in January 2021, two months after being returned from the United States, where he had been arrested on drug trafficking charges in October 2020.

C3. Does the government operate with openness and transparency? 2 / 4

Despite some limitations, several freedom of information laws passed since 2002 have successfully strengthened transparency at the federal level, though enforcement is uneven

across states. In recent years, the government has failed to release relevant information on some of the country's most controversial issues, including abuses by the security forces. The military, assigned ever-expanding roles under López Obrador, is one of the least transparent state institutions. In September 2021 the National Access to Information Institute (INAI) ordered the quasi-military National Guard to release data on the use of force by its agents, but as of year's end officials had not complied. A November decree shielding public infrastructure projects from transparency and other administrative requirements was vocally denounced by transparency advocates. On several occasions in 2021, President López Obrador suggested shuttering INAI, prompting criticism by transparency advocates.

Throughout the COVID-19 pandemic, government officials were accused of inadequate and incompetent management, including opacity about the virus's true toll; data from the national statistics agency released in August showed far more deaths than federal figures.

CIVIL LIBERTIES: 33 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16 (-1)

D1. Are there free and independent media? 2 / 4

The security environment for journalists remains highly challenging. Reporters probing police issues, drug trafficking, and official corruption face serious, sustained risk of physical harm. The Committee to Protect Journalists (CPJ) named Mexico the deadliest country for journalists in 2020, and as of November 2021 CPJ had recorded the deaths of at least three journalists in Mexico in connection with their work, with another four killings of reporters and one journalist's disappearance under investigation. Self-censorship has increased, with many newspapers in violent areas avoiding publication of stories concerning organized crime. Press watchdog groups have decried the slow pace of the federal government's special prosecutor for crimes against freedom of expression since the office gained authority in 2013. Several convictions in prominent cases of murdered journalists occurred in 2021, though 90 percent of cases of journalists who are killed are unresolved.

The Federal Protection Mechanism for Human Rights Defenders and Journalists within the Interior Secretariat, created in 2012, has successfully protected hundreds of activists and reporters, providing them safe houses, panic buttons, and bodyguards. However, the mechanism is underfunded and has not always proved effective: according to Article 19, 12 journalists receiving protection were killed between 2016 and June 2021.

Diversity of viewpoints in print and online media remains high, but broadcast television has long been dominated by the duopoly of Televisa and TV Azteca. Media outlets depend on government advertising and subsidies. Congress enacted legislation to regulate the distribution of state publicity in 2018; such advertising subsequently diminished significantly, but distribution remains heavily skewed toward a few of the largest outlets. In September 2021 the Supreme Court ruled that Congress must pass a more detailed rules governing state publicity.

Throughout 2021, López Obrador continued his daily morning news conferences, dominating news cycles and often chastising and demeaning specific reporters and news outlets. In addition, Article 19 has documented an increase in judicial harassment of journalists and activists, with 22 civil and criminal cases registered in the first half of 2021.

Mexico has been at the forefront of citizen-led efforts to ensure internet access. The 2013 amendments to Article 6 of the constitution made access to the internet a civil right. However, gangs have engaged in threats and violence against bloggers and online journalists who report on organized crime.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is protected by the constitution and is generally respected in practice, though religious minorities, particularly Indigenous Evangelical communities in Chiapas, face occasional persecution by local authorities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4 (-1)

While the government has generally refrained from restricting academic freedom, frictions between the government and the academic community rose sharply in 2021, with President López Obrador and other officials frequently stigmatizing universities as “neoliberal” institutions whose political orientation had “moved right.” More ominously, in August prosecutors began requesting arrest orders against 31 academic scientists for allegedly misusing public funds. Amid domestic and international outcry over the seemingly disproportionate charges—which included organized crime and money laundering—judges denied the requests, but academics and free expression advocates warned of an increasing atmosphere of intimidation facing university researchers and administrators. In November, students at a prestigious public university, the Center for Economic Teaching and Research, initiated a series of protests challenging the irregular appointment of new administrators perceived to be aligned with the government and arbitrary dismissals of several professors.

Score Change: The score declined from 4 to 3 due to repeated attacks on academic freedom in Mexican universities, including the launch of criminal investigations against dozens of academic scientists on disproportionate charges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While there are no formal impediments to free and open discussion, fear of criminal monitoring restricts citizens’ willingness to converse publicly about crime in some areas of the country.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution guarantees the right to peacefully assemble. Protests are frequent, though political and civic expression is restricted in some regions, and police frequently use excessive force and detain protesters arbitrarily.

During the López Obrador administration, controversy regarding protest-related violence has often centered on women’s rights demonstrations. In March 2021, several thousand women protested against violence against women and other forms of gender discrimination in Mexico City, resulting in clashes with police that left dozens of police and protesters injured; a march in support of abortion rights in September ended with a similar toll.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Although highly active, nongovernmental organizations (NGOs) sometimes face violent resistance; the Office of the UN High Commissioner for Human Rights counted 10 activist deaths by September 2021. Environmental activists and representatives of Indigenous groups contesting large-scale infrastructure projects have been particularly vulnerable. Revelations emerged in 2017 that government agencies had purchased the infamous Israeli Pegasus spyware to potentially surveil the electronic communications of numerous civil society activists; in 2021, activists continued to demand consequences amid ongoing investigative delays and news of additional potential victims.

The Federal Protection Mechanism for Human Rights Defenders and Journalists has provided physical security for hundreds of activists since its 2012 inception, though rights groups consider it sluggish and subject to government neglect.

Civil society members freely criticize state policies, but López Obrador's penchant for dismissing criticism and insulting perceived opponents generated ongoing tension between the president and civil society organizations throughout 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade union membership has diminished significantly in recent decades. In 2019 major labor reform brought hope of an end to the rampant use of informal, nontransparent negotiations between employers and politically connected union leaders creating "protection contracts" never seen by workers. Labor rights provisions of the 2020 United States-Mexico-Canada free trade agreement have facilitated workers' demands against abusive employers and complicit unions. In May 2021 the United States demanded review of a vote on an alleged protection contract at a General Motors plant in Guanajuato; following the determination that voting conditions were unfair, an August revote resulted in the rejection of the contract.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 2 / 4

The Supreme Court (SCJN) has been regarded in recent years as generally independent, but a series of appointments of justices viewed as close to the government has raised concerns about diminished autonomy under López Obrador. Such concerns persisted in 2021, with judicial independence advocates vocally objecting to an April 2021 law extending by two years the term of Arturo Zaldívar—viewed as an ally of President López Obrador—as president of the Supreme Court. Following months of criticism, Zaldívar announced in August that he would not extend his term past its originally scheduled end.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Mexico's justice system is plagued by delays, unpredictability, and corruption, which often lead to impunity for perpetrators of crimes. Implementation of an adversarial system was technically completed in 2016 and generated some improvements, but judicial system capacity remains inadequate. A lack of political commitment to prosecutorial autonomy and disinterest in deep reform has limited the efficacy of a 2018 overhaul of the prosecutorial services. Attorney General Alejandro Gertz Manero was subject to increasing criticism in 2021 as frustration mounted with the contrast between the agency's lethargy in prominent matters including corruption and disappearance cases and its punitive zeal in pursuit of organized crime charges against scientists and other matters in which Gertz took personal interest.

Widespread bribery, limited capacity, and weak coordination undermine the integrity of the lower courts and law enforcement agencies. According to a September 2021 government report, the vast majority of crimes committed in 2020 went unreported, largely because underpaid police were viewed as either inept or in league with criminals. Widely publicized raids often result in the release of accused criminals due to grave procedural deficiencies. Amid faltering efforts to improve investigative and prosecutorial competence and efficacy, the López Obrador administration has sought to harden penalties and limit defendants' rights, producing a sharp rise in the use of preventive detention and a rapidly increasing rate of prisoners in pretrial detention, most of whom are poor people charged with minor crimes.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Mexicans are subject to the threat of violence at the hands of multiple actors, including individual criminals, criminal gangs that operate with impunity, and police officers who are often susceptible to bribery. A missing-persons registry—which continues to grow despite increased government efforts in recent years—reflects an epidemic of enforced disappearances. Mexicans in police or military custody are at risk of torture by the authorities, and must also navigate a prison system that respects neither due process nor physical safety.

Abuses during arrests and criminal investigations are rife, and detainees report routine physical abuse while being detained and held. The 2017 General Law on Torture established a prohibition on the use of torture and disqualified evidence obtained through its use. Though it has contributed to mild progress in excluding torture-based confessions from prosecutions, impunity remains almost universal.

Human rights advocates consistently express concern about a lack of accountability for abuses committed by members of the military, including torture, forced disappearances, and extrajudicial executions. Only a handful of soldiers have been convicted in civilian courts for abuses against civilians, despite myriad NGO and National Human Rights Commission (CNDH) reports implicating state security forces in grave human rights abuses. In April 2021, 30 Navy members were arrested in connection with a burst of dozens of murders and disappearances allegedly perpetrated by Navy units in Nuevo Laredo in 2018.

Forced disappearances and killings remain a crisis in Mexico, despite recent efforts to be more responsive to victims. The 2017 General Law on Disappearances removed the statute of limitations on missing-persons crimes, but progress remains very limited. As of the end of 2021, cases in the national registry numbered over 95,000, while an August report by a coalition of victims groups described a backlog of at least 52,000 unidentified remains. A September report by the Washington Office on Latin America covering 26 states found only 25 convictions on disappearance charges between 2018 and 2020, while federal prosecutors have made even fewer advances.

The kidnapping and presumed deaths of 43 students in Guerrero in 2014 remains a watershed case. President López Obrador created a presidential commission to investigate the case after taking office, and in 2019 a new special prosecutor was assigned to manage it. Slow advances continued in 2021, but the truth about the missing students' fates remained unknown at year's end.

As in previous years, the government's primary response to insecurity hotspots was the deployment of militarized forces. In 2019, a law pushed by President López Obrador established a nominally civilian-led gendarmerie that drew from the Army, Navy, and federal police. This National Guard has been sharply criticized by rights advocates for reinforcing the militarization of public security. Although the force is legally required to undergo a process of civilianization, there was no indication of progress in this direction in 2021.

Homicides have plateaued in recent years, but remained near historic highs in 2021. Violence linked to organized crime was particularly acute in Zacatecas, Baja California, and Colima, while Michoacán was characterized by intense localized violence throughout the year. While large organizations like the Jalisco New Generation Cartel (CJNG) and the Sinaloa Cartel continue to drive insecurity in some areas, the splintering of other criminal groups, along with the diversification of their revenue sources, has made efforts to combat the violence even more daunting.

Mexican prisons remain highly unsafe, with inmates commonly engaging in criminal activity while incarcerated. Fears about the spread of COVID-19 in overcrowded prisons provided impetus to pass the Amnesty Law in April 2020, but the measure was limited in scope, and in its first year it benefited only 5 prisoners.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Mexican law bans discrimination based on ethnic origin, gender, age, religion, and sexual orientation. Nevertheless, lighter-skinned Mexicans enjoy substantial social advantage compared to Indigenous people and other distinct groups. The large Indigenous population experiences social and economic discrimination, and approximately 77 percent of Indigenous people live in poverty. Southern states with high concentrations of Indigenous residents suffer from deficient services, a problem that had particularly negative health consequences during the COVID-19 pandemic. Because Indigenous groups are in particular danger from criminal violence, communities in Guerrero and Michoacán have formed self-defense groups, some of which were subsequently legalized. In 2021, a sharp rise in organized crime threats and violence targeting Indigenous communities prompted a wave of self-defense group formation in Chiapas. Afro-Mexicans face discrimination, though the 2020 census included an option for Afro-Mexican self-identification for the first time.

LGBT+ people have strong legal protections, but they are not uniformly enforced. Transgender women in particular face discrimination and violence.

Migrants from Central America and other regions, many of whom move through Mexico to reach the United States, have long faced persecution and criminal predation. The López Obrador administration initially sought to protect migrants, but reversed course in 2019 under United States threats of punitive economic measures. In response, the National Guard was ordered to block or arrest migrants moving northward, a policy that led to both record detentions and numerous complaints of serious rights abuses in 2021. In January the bodies of 19 murder victims, including multiple migrants, were found in Tamaulipas, leading to February murder charges against 12 Tamaulipas police officers.

The combination of increasing migration and a series of United States policies, including the 2019 Migrant Protection Protocols (MPP) and the rapid deportations implemented in response to the COVID-19 pandemic, have resulted in tens of thousands of people stranded in border cities like Ciudad Juárez and Nuevo Laredo and facing extreme risk of kidnapping and extortion. The COVID-19 pandemic exacerbated harsh migrant shelter conditions. The government has made some remediation efforts, but conditions along the border remained highly precarious throughout 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens are generally free to change their place of residence, employment, or education. However, criminals have impeded freedom of movement by blocking major roads in several states in recent years, and ordinary citizens avoid roads in many rural areas after dark.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights in Mexico are protected by a modern legal framework, but the weakness of the judicial system, frequent solicitation of bribes by bureaucrats and officials, and the high incidence of criminal extortion harm security of property for many individuals and businesses. Large-scale development projects, including high-priority López Obrador initiatives, have been accompanied by corruption and rights-related controversy in recent years, exemplified in 2021 by the ongoing dispute over the Maya Train.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Sexual abuse and domestic violence against women are common, and perpetrators are rarely punished. Implementation of a 2007 law designed to protect women from such crimes remains halting, particularly at the state level, and impunity is the norm for the killers of hundreds of women each year. State authorities can issue “gender alerts” that trigger greater scrutiny and an influx of resources to combat an epidemic of violence against women, but the mechanism has proven ineffective. According to official statistics, femicides and rapes rose in the first 11 months of 2021.

The government has made some efforts to combat violence and promote gender equality, but the López Obrador administration has also cut funding for women’s services and in 2021, as in previous years, the president frequently dismissed feminists as allies of the political opposition.

Abortion has been a contentious issue in recent years. Many states reacted to Mexico City’s 2007 liberalization of abortion laws by strengthening their own criminal bans on the procedure. In a landmark ruling in September 2021, the Supreme Court declared laws criminalizing abortion unconstitutional, though state-by-state legislative reforms or judicial challenges will be required to give the ruling effect beyond the four states that had already legalized the procedure.

Mexico has taken steps toward equality for LGBT+ people, though significant cultural and legal barriers persist. A 2015 Supreme Court decision overruled state laws defining the purpose of marriage as procreation. Following a decree by the Guanajuato state executive in December 2021, 26 states had legalized same-sex marriage. In September 2021, Morelos became the 15th state to allow gender changes on identification documents.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Economic opportunity is limited in Mexico, which maintains a high rate of economic inequality. Migrant agricultural workers face brutally exploitative conditions in several northern states. In 2018, the Supreme Court ruled that Mexico’s millions of domestic workers—the vast majority of whom are women—must be incorporated into the formal sector and receive social security and health benefits. The López Obrador administration has increased some forms of redistributive spending, and in recent years has sharply increased Mexico’s minimum wage.

Mexico is a major source, transit, and destination country for trafficking in persons, including women and children, many of whom are subject to forced labor and sexual exploitation. Organized criminal gangs are heavily involved in human trafficking in Mexico and into the United States. This danger has been exacerbated since 2019 by the United States’ denial of entry to migrants and asylum seekers, which has forced thousands of migrants to wait in dangerous nearby cities, as well as by the economic disruption associated with the COVID-19 pandemic.

Micronesia

Population: 100,000

Capital: Palikir

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Federated States of Micronesia (FSM) is a relatively stable democracy that holds regular, competitive elections. However, secessionist movements have sometimes unsettled the country's politics and threatened its unity. The judiciary is independent, and civil liberties are generally respected. Ongoing problems include underreporting of domestic violence and the exploitation of migrant workers.

KEY DEVELOPMENTS IN 2021

- In February, the FSM announced that it would move to end its membership in the Pacific Islands Forum along with four other member states. The group announced its intention to depart after the Republic of the Marshall Islands candidate for secretary-general was not selected for the post. The decision to leave will take effect in 2022.
- In March, all 10 incumbents holding single-member seats in Congress were reelected.
- In July, Palikir and Washington reached an agreement on the construction of a US military base in the FSM.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is both chief of state and head of government and receives assistance from the vice president. Both offices are indirectly elected for four-year terms by members of Congress, with candidates from among the legislature's four at-large, directly elected state representatives, known as senators. In March 2019, David Panuelo, the senator representing the state of Pohnpei, was chosen as president, defeating incumbent Peter Christian. Vice President Yosiwo George was reelected.

Each of the four states (Yap, Chuuk, Pohnpei, and Kosrae) has its own elected governor.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 14-member unicameral Congress includes four senators, one from each state, who serve four-year terms and are elected by proportional representation. Another 10 members serve two-year terms in single-member districts allocated by population. Each state also has its own elected legislature. All 10 single-member incumbents in Congress won reelection in the March 2021 midterm elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections in the FSM, which are generally considered free and fair, are administered by a government agency headed by a national election director and one commissioner from

each state. Constitutional amendments must be approved by three-quarters of voters in at least three of the four states.

The FSM's fourth Constitutional Convention was convened in January 2020 but went into recess that March due to COVID-19. It remained in recess as of December 2021. However, proposals to allow dual citizenship and introduce lowered thresholds for referendums will be considered by voters in 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no formal political parties, but there are no restrictions on their formation. All candidates run as independents.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The FSM has an established record of democratic power transfers. Under an informal agreement, the presidency has typically rotated among the four states, but Congress has sometimes deviated from this pattern.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Traditional leaders and institutions exercise significant influence in society, especially at the village level. However, neither these nor donor countries like the United States and China exert undue control over the political choices of voters or candidates. Investments from United States and China have been met with pushback in recent years, as citizens are concerned about how those funds might impinge upon the FSM's political, economic, and cultural independence.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and minority groups formally have full political rights, and they are free to participate in practice, though women's political engagement is limited to some extent by discriminatory attitudes. The FSM remains one of the few countries in the world with no women in its national legislature. A small number of women were elected to state-level legislatures.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials determine and implement policy and legislation at the federal level, though considerable authority is vested in the states and their elected governments. Some leading politicians from Chuuk, by far the most populous state, have advocated independence from the FSM in recent years, and the issue remained a topic of public discussion under the guidance of the Chuuk Political Status Commission. Opponents of Chuuk's secession have argued that its separation from the FSM would be unconstitutional. A referendum was planned for 2019 but was delayed that year and again in 2020; it is now scheduled for 2022.

The FSM relies on defense guarantees and economic assistance from the United States under a 1986 Compact of Free Association (CFA), which extends through 2023. In 2019,

the funding and security commitments of the CFA were reaffirmed by the United States. In July 2021, Palikir and Washington reached an agreement on the construction of a US military base in the FSM.

China has become an increasingly important partner for trade and development aid in recent years, though its role does not amount to an undue interference in FSM governance and citizens and officials have been wary of it becoming so.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Official corruption is a problem and a source of public discontent. Complaints about misuse of public resources are frequent, particularly from US authorities overseeing aid funds. Government entities responsible for combating corruption, including the attorney general's office and public auditor, are independent and fairly effective, though some corrupt officials reportedly enjoy impunity.

C3. Does the government operate with openness and transparency? 3 / 4

Government operations and legislative processes are generally transparent, though there is no comprehensive law guaranteeing public access to government information. Limited technical capacity and the country's sprawling geography pose practical barriers to openness and accountability in the FSM. Officials are not legally obliged to submit asset disclosures.

In 2020, the Chuuk Office of the Public Auditor warned that records related to the state debt-relief fund were improperly maintained, and that financial statements did not fully report liabilities to the public.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The news media operate freely. Print outlets include government-published newsletters and several small, privately owned weekly and monthly newspapers. There are several radio stations, cable television is available, and satellite television is increasingly common. The FSM's internet penetration rate stood at 35.3 percent as of January 2021.

Lack of resources is a problem for the broadcasting of important meteorological forecasts for the population of Chuuk, which will face rising sea levels and extreme weather events.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected, and religious groups are not required to register with the government. About 96 percent of the population is Roman Catholic or Protestant. A small Ahmadi Muslim community has reported some instances of discrimination and vandalism. Intolerance for non-Christian religions in several states is a growing concern.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The educational system is free from extensive indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The constitution guarantees freedom of expression, and there are no significant constraints on this right in practice. The government does not improperly monitor personal communications or social media activity.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally protected. Demonstrations typically proceed peacefully.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Citizens are free to organize in civic groups, and a number of students' and women's organizations are active.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Union rights are generally respected, and there are no laws to prevent workers from forming unions, engaging in collective bargaining, or striking. However, such activities are not specifically protected or regulated by law, and few employers are large enough to support unionization in practice.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent. The chief justice, who administers the judicial system, and the associate justices of the Supreme Court are appointed by the president with the approval of a two-thirds majority in Congress. They are appointed for life-long terms and cannot be removed arbitrarily.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The police respect legal safeguards against arbitrary arrest and detention, and defendants are generally provided with basic due process guarantees surrounding trials and appeals. However, a shortage of lawyers may sometimes impair detainees' access to counsel in practice.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Criminal activity does not pose a major threat to physical security, though police have struggled to deal with illegal fishing. Mistreatment of individuals in custody is known to occur.

In October 2019, the acting attorney general on Yap, American Rachelle Bergeron, was murdered; her murder was allegedly connected to her efforts against human trafficking in the FSM. Frances Choay Buchun and Anthony Rutun Teteeth were accused of conspiring to murder Bergeron that month, though the trial against them was delayed due to the COVID-19 pandemic; they remained in custody as of September 2021. Several people of interest have also been identified after Bergeron's murder. Status hearings on the Bergeron case have been held, though little progress has been made on its ultimate adjudication.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution gives citizens equal protection under the law and prohibits discrimination based on race, ancestry, national origin, gender, sexual orientation, language, or social status. In 2018, Congress passed a landmark law prohibiting discrimination based on sexual orientation, which then president Christian signed. However, the law did not mention gender identity, leaving transgender people vulnerable to continued discrimination.

Half as many women enjoy formal employment as do men, and women generally participate far less in the formal and informal labor markets.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is generally respected. Under the CFA, Micronesians are free to travel to the United States without visas for residence, education, and employment. Many Micronesians have migrated to US Pacific states or territories such as Hawaii and Guam.

Travel out of the FSM was severely impacted by COVID-19-related measures. Inbound travel was effectively halted by March 2020 but limited repatriation has since been allowed. Outbound travel restrictions ended that November.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are protected by law, and individuals are able to operate private businesses; most such enterprises are small and family-owned in practice. Property and business rights are somewhat restricted for foreigners. Noncitizens are legally prohibited from owning land, and a number of regulations limit the kinds of businesses that they can own and operate.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are largely protected. However, there are no specific laws against spousal rape, and both rape and domestic violence are rarely prosecuted due to societal inhibitions against reporting such crimes. The FSM's first support center for survivors of gender-based violence (GBV) opened in Chuuk in 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Forced labor is prohibited, and the government enforces basic standards for working conditions in the formal sector. Foreign migrant workers nevertheless remain vulnerable to exploitative labor practices, including on foreign fishing vessels in FSM waters. Micronesian women are at risk of sex trafficking.

The 2021 edition of the US State Department's *Trafficking in Persons Report* noted the government's efforts to address trafficking, but also reported that traffickers received light sentences and that efforts to support survivors were insufficient.

Moldova

Population: 3,500,000

Capital: Chişinău

Freedom Status: Partly Free

Electoral Democracy: Yes

Note: The numerical scores and status listed above do not reflect conditions in Transnistria, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of

whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Moldova has a competitive electoral environment, and freedoms of assembly, speech, and religion are mostly protected. Nonetheless, pervasive corruption in the government sector, links between major political figures and powerful economic interests, as well as critical deficiencies in the justice sector and the rule of law continue to hamper democratic governance.

KEY DEVELOPMENTS IN 2021

- In April, President Maia Sandu dissolved Parliament after a protracted disagreement between key political parties and the Constitutional Court. Snap parliamentary elections were held in July, resulting in the election of a stable parliamentary majority led by the Action and Solidarity Party (PAS) under Prime Minister Natalia Gavrilita.
- The COVID-19 pandemic remained a serious health concern throughout the year; more than 230,000 cases and over 7,000 deaths were recorded between January and December.
- In December, the Council of Europe's Venice Commission cautioned the government about proposed legislation aimed at reducing corruption in the country's highest courts, finding that the amendments did not establish actionable measures that would increase confidence in judicial integrity or enhance public trust in the judiciary.

POLITICAL RIGHTS: 27 / 40 (+1)

A. ELECTORAL PROCESS: 10 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is elected by direct popular vote for up to two consecutive four-year terms. If no candidate receives more than 50 percent of the votes in the first round, the two leading candidates compete in a second round. Former premier Maia Sandu of the PAS defeated incumbent president Igor Dodon in the two-round November 2020 contest. Sandu won 57.7 percent of the second-round vote, while Dodon won 42.3 percent. Organization for Security and Co-operation in Europe (OSCE) observers called the election competitive, but reported that electoral authorities did not investigate allegations of first-round irregularities.

A prime minister nominated by the president and confirmed by Parliament holds most executive authority. Following snap parliamentary elections in July 2021, Natalia Gavrilita of the PAS was confirmed as prime minister in August. The election was generally regarded to be free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Voters elect the 101-seat unicameral Parliament to four-year terms. In February 2019, Moldova held its first parliamentary elections using a mixed electoral system, under which 51 lawmakers were elected in single-member constituencies through the first-past-the-post system and 50 were elected through proportional representation from closed party lists in one national constituency.

In April 2021, the Constitutional Court found sufficient grounds to allow Sandu to dissolve the incumbent Parliament following the December 2020 resignation of former

prime minister Ion Chicu. Snap elections were held in July 2021, and saw the PAS win 63 parliamentary seats, constituting a majority. In addition to the PAS majority, one electoral bloc and one party are represented in Parliament: the Electoral Bloc of Communists and Socialists with 32 seats, and the Eurosceptic Sor Party with 6 seats.

OSCE observers considered the elections well administered, competitive, and largely respectful of fundamental freedoms, but noted the negative impact that media bias, a lack of effective campaign finance oversight, inadequate legal frameworks for electoral dispute resolution, and weak judicial independence had on impartiality and trust in the electoral process.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4 (+1)

The July 2021 parliamentary elections marked a return to an electoral system based on proportional representation, and saw fewer irregularities than in the February 2019 parliamentary elections, which had been administered using a mixed system featuring both single-member constituencies and seats allocated proportionally by party lists.

The OSCE election observation mission found the legal framework governing the 2021 elections to be in line with international good practice, and commended the implementation of key revisions, including lowering thresholds for party registration and strengthening the gender quota for candidate lists, in line with previous recommendations. However, the mission recommended further improvements to the legislation, including to the framework on the complaints and appeals process and campaign finance oversight.

Both lower-level electoral commissions and the Central Electoral Commission (CEC) performed well overall in the July 2021 elections, and the election administration was generally considered trustworthy, according to the OSCE election observation mission. However, key decisions made by the CEC appeared to follow partisan lines, including decisions regarding the number of polling stations to be established abroad and for voters residing in Transnistria, as well as on issues of voter transportation.

While confidence in electoral administration improved in 2021, the CEC continues to face allegations of improper conduct, including the exclusion of the opposition from the CEC leadership selection process and irregular interference in local elections.

Score Change: The score improved from 2 to 3 because the July parliamentary elections were administered under a reformed legal framework and featured fewer irregularities than in previous years.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political party legislation in Moldova is generally liberal, but does include restrictions.

In February 2020, the Constitutional Court ruled that the requirement for parties seeking registration to enlist a minimum of 4,000 members coming from at least half of Moldovan districts was unconstitutional, and ordered Parliament to revise the Law on Political Parties. Parliament amended the legislation in July 2020, reducing the minimum number of party members to 1,000 and removing the requirement for members to represent at least half of Moldovan districts.

Following the adoption of these amendments, 20 political parties, 2 electoral blocs and an independent candidate ran in the July 2021 parliamentary elections, representing a significant increase in participating parties compared to the previous election. However, though

requirements for legal party registration have been eased, the amended party-registration restrictions still disproportionately affect regional, municipal, and local parties, as well as parties representing geographically concentrated ethnolinguistic minorities (for example, Gagauzians and Bulgarians).

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties have a strong presence in Parliament and other elected offices, and can gain support through elections.

Following the July 2021 snap parliamentary elections, the PAS, formerly an opposition party, gained a majority in Parliament, returning the Socialist Party to opposition status.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Oligarchs and business interests strongly influence and corrupt national and local political institutions, undermining political accountability.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and members of ethnic, religious, and other minority groups do not face direct legal barriers to political participation, though representation of women, people with disabilities, and members of the Romany minority has historically been low. However, despite social and historical obstacles, several members of Moldova's ethnic minorities, including Gagauzian, Bulgarian, and Roma hold parliamentary seats, and women's participation in Parliament and in high level political positions has significantly increased in recent years.

The president, prime minister, and head of the CEC are all women, and in 2021, 40 women gained seats in Parliament, setting a new national record. Women now comprise 40 percent of the legislative body, in line with the qualified gender quota adopted by Moldova's Parliament in 2016, which mandates that women must make up a minimum of 40 percent of every party's candidates and of cabinet nominees.

LGBT+ people organize and advocate for equal rights, but are discouraged from political engagement due to harassment.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Since the appointment of a new government under the leadership of Natalia Gavrilita in July 2021, governmental policies have generally been determined at the legislative level. However, despite holding a nonexecutive, nonpartisan office, President Sandu actively participates in policy setting and public administration processes.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains entrenched in all levels of government, and existing anticorruption laws are inadequately enforced. Moldova is still recovering from a 2014 banking scandal, in which \$1 billion was stolen. In 2016, former prime minister Vlad Filat received a nine-year prison sentence in connection with the scandal, but was conditionally paroled in December 2019. Two key actors in the fraud, oligarchs Vladimir Plahotniuc and Ilan Șor, left Moldova in 2019, and attempts at securing their extradition have been repeatedly frustrated.

C3. Does the government operate with openness and transparency? 1 / 4

Although the government formed in July 2021 appears to be more transparent than its predecessors, serious issues, including the late publication of plans, draft policies, and bills for consultation, persist. Efforts to transparently appoint public officials have been marred by procedural failures and allegations of political bias.

CIVIL LIBERTIES: 35 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16****D1. Are there free and independent media? 2 / 4**

The media environment is dominated by outlets connected to political parties and oligarchs. With few exceptions, nationally broadcasting television stations are owned by people affiliated with political parties. Reporters have previously faced difficulty accessing publicly important information and threats of legal action from public figures and politicians.

In September 2021, public trust in media independence was further undermined when Natalia Morari, a well-known investigative journalist and cofounder of the nonprofit television network TV8, was discovered to be involved in a personal relationship with Veaceslav Platon, a wealthy businessman who has been charged with a wide range of financial crimes.

Legal changes made to the Code of Audiovisual Media Services in November and December 2021 allowed Parliament to establish control over the public broadcaster Teleradio-Moldova and to restructure the Audiovisual Council with three appointees from Parliament, two civil society appointees, one presidential appointee, and one governmental appointee. These amendments drew criticism from Moldova's National Anticorruption Center (NAC) and the European Broadcasting Union (EBU) on the grounds that such changes compromise media independence and encourage politicization of the media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

While the constitution proclaims religious freedom and separation of state from religion, the law also provides special status to the Moldovan Orthodox Church. Orthodox symbols have been placed in public institutions, and Orthodox churches are sometimes present within public hospitals and some schools.

In June 2021, the European Court of Human Rights (ECtHR) ruled that the government had violated the European Convention on Human Rights (ECHR), to which it is a signatory, in ordering the dissolution of the Falun Gong religious organization in Moldova and banning its symbol, which is known as the *Falun*.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected in Moldova. However, the Orthodox Church strongly indoctrinates the Moldovan educational system, with educational officials at all levels frequently promoting the church and Orthodox beliefs.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally able to engage in discussions of a political nature without fear of retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is constitutionally guaranteed and mostly upheld in practice. While some COVID-19-related limitations remained in place throughout 2021, public gatherings, including opposition protests, were generally permitted.

However, past instances of police violence and politically motivated arrests have at times infringed upon individuals' right to freely assemble. In September 2021, the European Court of Human Rights ordered Moldova to pay damages to members of the Petrenco group, associates of opposition politician Grigore Petrenco who were detained following a 2015 opposition rally and prohibited from attending future public gatherings, finding that the group's right to freely assemble had been unlawfully restricted. And in July 2020, during a veterans' protest, several participants were arrested and beaten by security forces in front of the Parliament building in Chișinău.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

The nongovernmental organization (NGO) sector is active and largely operates without undue restriction.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions do not encounter major obstacles in Moldova. However, trade unions are not active or visible, and do not play an active role in protecting workers' rights.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

Moldova's judicial branch continues to be highly susceptible to political pressures that hamper its independence, and judicial appointment processes lack transparency.

In October 2021, General Prosecutor Alexandr Stoianoglo was arrested on charges relating to corruption and abuse of power. After his arrest and removal from office, Stoianoglo suggested that the decision to levy these charges against him was politically motivated, though PAS officials deny that allegation.

In December, the Council of Europe's Venice Commission issued an opinion on amendments made to the legal procedures used to select administrative officials for the judiciary, including the Superior Council of Prosecutors, Moldova's supreme prosecutorial governance body. The commission found that the amendments did not provide actionable measures that would increase confidence in judicial integrity or enhance public trust in the judiciary.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are poorly upheld in the Moldovan justice system. Lengthy pretrial detentions are common.

A criminal trial against Ilan Șor, who was accused of involvement in the 2014 banking scandal and fled Moldova in 2019, is still ongoing, but court hearings have been repeatedly postponed.

In September 2021, the European Court of Human Rights ruled that Moldova had violated the ECHR in the arbitrary detention of seven Moldovan nationals known as the Petrenco group following an opposition rally in 2015. The court also ruled that five of the group members had been unlawfully restricted in their right to freely assemble.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisoners and detainees face maltreatment and torture, and those who engage in such behavior face little consequence. Individuals responsible for 2009 acts of torture and maltreatment against postelection protesters remain largely uninvestigated and unsentenced. Those involved in the case of Andrei Braguța, who died in police custody in 2017 after a traffic violation, have not yet been adequately sentenced.

Overcrowding and inhumane conditions are common in Moldovan prisons. Health care in pretrial and penitentiary institutions remains poor. COVID-19 clusters were identified in some of these facilities as the pandemic progressed.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The 2012 Moldovan Law on Ensuring Equality provides a framework for preventing and addressing discrimination. The law's main operational body, the Equality Council, has been praised for effective work and principled stance on difficult and complex discrimination issues, but has been underfunded by successive governments.

Women, persons with disabilities, Roma people, linguistic minorities, Muslims and other non-Orthodox believers, people of African and Asian descent, older persons, and LGBT+ people often face employment discrimination. Some of these groups also face discrimination in education, housing, and public service. Hate speech against minority groups is often promoted by some media outlets and public figures.

Schools and universities generally do not provide education in the Ukrainian, Gagauz, Bulgarian, or Romani languages. Low-quality public schools in the south, populated by many Gagauzians and Bulgarians, often fail to prepare graduates for admission to Romanian-language universities.

In June 2021, a violent conflict broke out between the Romany community and the non-Romany population in the town of Otaci; after several days of unrest, which had allegedly gone unchecked by local police, an intervention by Moldovan special forces was able to restore peace. The Belgium-based European Roma Rights Center (ERRC) has requested that Moldovan authorities carry out an impartial investigation into the conflict, noting possible racial motivations for the violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The law protects freedom of internal movement and foreign travel, and the government generally respects these rights. There are no formal restrictions on the right to change one's place of employment or education, but bribery is not uncommon in educational institutions. Travel to Transnistria is subject to checks by the de facto territorial authorities.

While Moldovan authorities issued largely proportional COVID-19-related movement restrictions, large fines were sometimes issued for those who violated them.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although Moldovan law guarantees property rights, they are undermined by a weak and corrupt judiciary. Widespread corruption affects fair competition and normal business activity. Allies of powerful individuals have been accused of benefiting economically from

selective enforcement of business regulations. Some businesses also reported receiving arbitrary COVID-19-related fines.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Most personal social freedoms are protected, but domestic violence and sexual abuse are common. A 2016 report by several Moldovan NGOs found that more than 63 percent of women and girls over the age of 15 had experienced some form of gender-based violence in their lifetime, while over 20 percent of men admitted to having had nonconsensual sex with a woman. Domestic and gender-based violence laws are inadequately enforced, and abuses that do not result in significant injury are subject only to administrative penalties. Local groups reported an increase in violence against women during the ongoing COVID-19 crisis.

Sexual harassment in the workplace remains common, and such incidents are inadequately addressed.

In October 2021, the Moldovan Parliament ratified the Council of Europe's Istanbul Convention on preventing and combating violence against women.

Child marriages are reported in the Romany community. Neither marriage nor civil unions for same-sex couples are legally recognized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Due to weak labor rights protection and enforcement by authorities and trade unions, reports of exploitative labor practices, including long work hours, low wages, and fully or partially undocumented work or wages, are common. The rural population, women, and Roma are especially vulnerable to these practices. Regulations meant to prevent exploitative or unsafe working conditions remain poorly enforced. Human trafficking remains a problem, although the authorities do attempt to prosecute traffickers.

Monaco

Population: 40,000

Capital: Monaco

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Principality of Monaco is a constitutional monarchy headed by Prince Albert II. The prince appoints the government, which is responsible only to him. Legislative power is exercised jointly by the prince and the freely elected parliament. Civil liberties are generally respected.

KEY DEVELOPMENTS IN 2021

- In January, new rules of procedure for members of the parliament took effect. Among other things, the rules imposed new requirements on the acceptance of gifts and the management of potential conflicts of interest.
 - In June, the parliament passed a law that provides legal status to non-Monegasques who were born or adopted in Monaco and have since resided in the country. The legislation was gazetted in July.
-

- In an October report, the Council of Europe's (CoE) Group of States against Corruption (GRECO) noted that Monegasque authorities made significant progress in addressing government transparency and ethics. In its report, GRECO noted that legislation, proposals, and amendments were more accessible to the public via the parliament's website.

POLITICAL RIGHTS: 27 / 40 (+1)

A. ELECTORAL PROCESS: 8 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The hereditary monarch holds extensive executive authority, including the exclusive right to change the government, and there are no constitutional provisions allowing citizens to alter this system. The current prince, Albert II, took the throne after his father's death in 2005. The head of government, known as the minister of state, is traditionally appointed by the monarch from a candidate list of three French nationals submitted by the French government. Pierre Dartout took office as minister of state in 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 24 members of the unicameral National Council are elected for five-year terms; the 16 candidates who receive the most votes are elected, and the remaining 8 seats are filled through list-based proportional representation. The 2018 elections were considered credible by international observers. The new political movement *Priorité Monaco*, led by veteran politician Stéphane Valeri and defectors from the more established *Horizon Monaco*, won 58 percent of the vote and 21 seats. *Horizon Monaco* itself took 26 percent and 2 seats, while the *Union Monégasque* took 16 percent and 1 seat. After the elections, Valeri became president of the National Council, which is regarded as the most powerful elected office in Monaco.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework provides an adequate basis for credible elections, and a number of recent changes have improved the conduct of elections, including the modification of campaign finance rules in 2017 and the broadening of suffrage rights for detainees in 2014. However, in a 2018 report, the Organization for Security and Co-operation in Europe (OSCE) argued that the campaign finance system could be further strengthened.

Municipal authorities, led by the mayor of Monaco, form an Electoral Committee that administers elections with support from the Interior Ministry, and observers consider their conduct to be credible. However, technical meetings in preparation for elections are not open to the public, limiting the committee's transparency.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political associations, groupings of people who hold similar political viewpoints, compete in Monaco, rather than traditional parties. There are no undue restrictions on the formation of new political associations. However, office seekers are prohibited from running as individual independent candidates; independents must instead form a list of at least 13 candidates to participate in elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Opposition political associations are able to gain seats in the parliament. In 2018, *Priorité Monaco*, also known as *Primo!*, won 21 seats, while *Horizon Monaco* fell from 20 seats to 2. However, there are structural limits on the opposition's ability to secure executive power through elections, as the cabinet—appointed by the prince—is not responsible to the elected parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The fact that the head of government is a French national appointed from a list submitted by Paris, and that the powerful head of state is an unelected monarch, means that people's political participation is heavily circumscribed by democratically unaccountable forces. Nevertheless, voters' and candidates' choices with respect to parliamentary representation are largely free from domination by such entities.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Only about 9,000 of Monaco's residents—roughly a quarter of the total—are citizens, and noncitizens do not have the right to vote or run for office, though a number of legal routes to naturalization are available. Most noncitizen residents are nationals of neighboring France or Italy.

Among the citizen population, women and members of racial or ethnic minority groups are free to participate in elections, both as voters and candidates, but women's interests are not always well represented in the political system, and only eight women were elected to the parliament in 2018. The six-member council of ministers included one woman as of 2021.

C. FUNCTIONING OF GOVERNMENT: 9 / 12 (+1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

The hereditary prince has significant governing authority, including the exclusive power to initiate legislation, conduct foreign policy, and approve changes to the constitution. However, all legislation and the budget require parliamentary approval, and the parliament is generally free from interference by unelected groups.

C2. Are safeguards against official corruption strong and effective? 3 / 4

There have been a series of recent improvements in the legal framework for combating corruption. Rules on accepting gifts and potential conflicts of interest were included in the rules of procedure that took effect in January 2021. A report from GRECO published in October noted that Monegasque authorities made significant progress in strengthening the country's ethics framework. In May, for example, the post of ethics adviser was filled, while the National Council established an ethics committee in July. The GRECO report concluded that Monaco partially or fully adopted 11 of its 16 recommendations.

Nevertheless, high-level corruption remains a problem, and officials sometimes act with impunity. In 2017, Philippe Narmino resigned as director of judicial services, or justice minister, after it was revealed that wealthy Russian businessman Dmitriy Rybolovlev provided gifts in exchange for pursuing fraud charges against Swiss art dealer Yves Bouvier.

The Rybolovlev case revealed extensive corruption within the judiciary. In 2019, Laurent Anselmi was replaced as justice minister months after he unexpectedly denied a request for a term renewal from the judge overseeing the investigation into the Rybolovlev scandal. However, Anselmi then became foreign minister. In September 2021, Rybolovlev—who legally pursued Bouvier in five countries and territories—effectively lost his ninth case against the art dealer when a Swiss prosecutor dropped proceedings, though Rybolovlev vowed to appeal.

C3. Does the government operate with openness and transparency? 4 / 4 (+1)

The law generally provides for public access to government information, including draft laws and proposed legislation. Parliamentarians are bound by the newly implemented rules of procedure and are subject to scrutiny from the ethics adviser, who is empowered to investigate conflict-of-interest and asset-declaration concerns. The rules of procedure also require the publication of legislative committee agendas and written opinions. The October 2021 GRECO report also noted that the National Council's website hosted legislation, proposals, and amendments to enhance public access to such material.

There are no financial disclosure laws in place for lawmakers or officials appointed by the prince.

Score Change: The score improved from 3 to 4 because the parliament implemented several rule changes to increase the openness of parliamentary processes, including publishing amendments, proposals, and legislation online.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The constitution provides for freedom of expression, and press freedom is generally respected in practice. Monaco has a weekly government newspaper, an English-language monthly, and several online publications. There is one major private broadcaster based in the country. French and Italian broadcast and print media are widely available, and internet access is not restricted.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Roman Catholicism is the official state religion, but the constitution guarantees freedom of religion and public worship, and this is largely respected in practice. Jehovah's Witnesses have struggled to secure official recognition as a religious association despite favorable rulings by the Supreme Court.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no undue restrictions on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express their personal views without fear of retribution. Insulting the ruling family is illegal and can result in prison sentences of up to five years, but the law is infrequently enforced.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution provides for freedom of assembly, which is generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

No significant restrictions are imposed on the formation or operation of nongovernmental organizations (NGOs).

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law grants workers the right to establish unions and bargain collectively, and anti-union discrimination is prohibited. All workers except government employees have the right to strike. Unions and employers engage in collective bargaining in practice.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 3 / 4**

The constitution provides for an independent judiciary. The prince names five full members and two judicial assistants to the Supreme Court based on nominations by the National Council, government bodies, and the lower courts. The recruitment process for judges lacks transparency, which contributes to a perception that they may lack independence. The Judicial Service Commission (CSJ) is responsible for ensuring the independence of the judiciary. While the CSJ's autonomy was recently strengthened, only some of its members are selected by their peers. In its October 2021 report, GRECO noted that CSJ activity reports are not publicly available. The state secretary for justice, formerly known as the director of judicial services, oversees the judicial and law enforcement systems and is responsible only to the prince. Approximately half of the judges in Monaco are Monegasque nationals, and the other half are French nationals.

Concerns about judicial independence resurfaced in 2019, when the director of judicial services turned down a request for a three-year term renewal from the judge overseeing the investigation into the Rybolovlev corruption scandal. The director was replaced later that year.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process rights are generally respected. Defendants are presumed innocent until proven guilty and are informed of the charges against them promptly. Defendants have access to attorneys and sufficient time to prepare a defense. A May 2021 report by the CoE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment criticized the relatively poor conditions of the Remand Prison and the size of court waiting cells, though the body reported that prisoners were generally well treated.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The population faces no major threats to physical security. Violent crime and excessive use of force by police are both rare in Monaco.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Monaco lacks a law that broadly prohibits discrimination based on race or ethnicity, though insults and defamation on such grounds are illegal. In the absence of a

comprehensive law, Article 14 of the European Convention on Human Rights is used to prevent and punish discrimination.

The law prohibits discrimination based on gender, and women's rights are generally respected. However, the European Commission against Racism and Intolerance has noted that women do not enjoy the same rights to social benefits as their male counterparts, as men receive head-of-household status by default, and has called for the establishment of a program guaranteeing the equal treatment of LGBT+ people.

A law passed in June 2021 and gazetted in July provides legal status to non-Monégasques who were born or adopted in Monaco and have since resided in the country. Individuals in the "Children of the Nation" category, who were previously regarded as foreigners, would effectively receive expanded access to housing and employment under this legislation.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no significant restrictions on freedom of internal movement or foreign travel. Temporary movement restrictions that were imposed during the COVID-19 pandemic in 2021 were generally considered legitimate measures to protect public health.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are respected, and noncitizens holding a residence permit may purchase property and establish businesses. However, obtaining government approval to start a business is often a lengthy and complex process, and related costs can be prohibitively expensive.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are generally respected. Abortion remains illegal except under special circumstances, including rape and a risk to the pregnant person's life or physical health. In 2019, however, the parliament passed legislation that removed criminal punishments for people who undergo abortions; health professionals could still face penalties for performing an abortion in Monaco. Also in 2019, the parliament adopted a law that allows civil partnerships for all couples, including those of the same sex. Domestic violence is outlawed in Monaco, and there are few reported incidents. The government and NGOs provide a network of support services for victims of domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Legal protections against labor exploitation are adequately enforced.

Mongolia

Population: 3,400,000

Capital: Ulaanbaatar

Freedom Status: Free

Electoral Democracy: Yes

Overview: Following a peaceful revolution in 1990, Mongolia began holding multiparty elections and established itself as an electoral democracy. Political rights and civil liberties have been firmly institutionalized, though the two dominant parties continue to rely on patronage networks rather than a competition of policy visions, and widespread corruption hampers further development.

KEY DEVELOPMENTS IN 2021

- Ukhnaagiin Khürelsükh of the Mongolian People's Party (MPP) resigned as prime minister in January, ostensibly in response to COVID-19-related protests. However, he was nominated to run and won election for the presidency in June with 67.69 percent of the vote. The opposition National Labor Party (HUN) candidate Enkhbat Dangaasuren finished second, with 20.31 percent of the vote, which represented the largest margin of victory since the establishment of the democracy in 1990.
- President Khürelsükh announced in September that he would relinquish the authority to appoint judges to allow for greater judicial independence. However, this was not codified in legislation by the end of the year.

POLITICAL RIGHTS: 36 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Under 2019 amendments to the 1992 constitution, the president is directly elected for a single six-year term. Ukhnaagiin Khürelsükh of the Mongolian People's Party (MPP) resigned as prime minister in January 2021, ostensibly in response to COVID-19-related protests but was nominated to run as the MPP candidate for president in the June elections. The Democratic Party (DP) attempted to renominate President Khaltmaa Battulga, whose first presidential term had begun before 2019 constitutional amendments that created a one-term limit were enacted. In April, however, the Constitutional Court barred Battulga from running again. Due to internal party turmoil, in May two separate DP factions nominated former prime minister Norovyn Altankhuyag, whose candidacy the General Election Commission (GEC) rejected, and party chair Sodnomzundui Erdene, whose candidacy the GEC accepted, despite protests from within the party.

In response to the Constitutional Court's decision to bar him from running again, President Battulga attempted to dissolve the MPP by decree, alleging that the party was no longer independent and had become an arm of the military. Neither the Supreme Court nor Parliament adhered to the decree.

The election campaign for the presidency occurred with some COVID-19 restrictions in place that may have prevented some voters from participating, particularly those who live in Ulaanbaatar but are registered to vote elsewhere. Voter turnout in the June election reached 59.35 percent, only slightly lower from the 2017 election. Khürelsükh won the presidency with 67.69 percent of the vote and the greatest margin of victory in any presidential election since 1990. Erdene only received 5.99 percent of the vote while the opposition National Labor Party (HUN) candidate Enkhbat Dangaasuren received 20.31 percent. There were no significant irregularities reported during the election by an observer mission from the Organization for Security and Co-operation in Europe (OSCE).

Oyun-Erdene Luvsannamsrai was confirmed by Parliament to replace Khürelsükh as prime minister in January 2021.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 76-seat parliament, the State Great Hural, are elected for four-year terms. All members were elected to multimember constituencies in the June 2020 elections, with 48 elected via simple-majority voting and 28 via proportional representation. The MPP won 62 seats while the DP won 11. The Mongolian People's Revolutionary Party, the HUN, and an independent each won 1 seat. Turnout stood at 73.7 percent. An OSCE electoral observation mission was in Mongolia for the election.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair, though they are often changed shortly before elections and tend to favor the two largest parties.

While the GEC is sometimes regarded with suspicion over political influence, no major complaints arose from its management of the June 2021 elections other than those associated with the nomination of the DP candidate.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

While the Mongolian political system features multiple parties, it has also been marked by the dominance of the MPP and DP in the past. Parties are built around clientelist patronage networks rather than policy platforms. Representatives of large business groups play an important role in funding and directing the MPP and DP.

The DP has been wracked with internal turmoil in recent years, and the HUN has stepped into the political space it has vacated.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are no undue barriers preventing opposition parties from gaining power through elections, though there are practical hurdles. The rise of HUN illustrates that there is room for a new political party to gain support.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Powerful business interests have some influence over candidates and have supported them through a nontransparent party-finance system. However, candidates and voters are generally free to make political choices without excessive outside influence, in part because corporate interests are balanced across various factions of the two main parties. There have been fears about outside (most commonly, Chinese or Russian) interference in Mongolian elections, though no evidence of such interference came to light in the 2021 elections.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

All adult citizens other than those who are incarcerated are entitled to full political rights, and these are generally observed in practice. However, despite quotas supporting gender diversity, women remain underrepresented in politics, holding about 17 percent

of parliamentary seats and few senior government posts. No party nominated a woman as a presidential candidate in 2021. Ethnic Kazakh parliamentarians are regularly elected in Bayan-Ölgii, which is predominantly Kazakh.

LGBT+ people face some societal discrimination that hampers their ability to advocate for their interests in the political sphere, though such advocacy has been increasing in recent years.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Freely elected representatives are duly seated and generally able to craft government policy without improper interference. However, corporations, aided by opaque party-finance procedures, have also been able to influence policymaking.

Parliamentarians were previously allowed to hold concurrent cabinet positions, effectively making a relatively large number of members bound to the premier. Constitutional amendments passed in 2019 limited the number of parliamentarians who could serve in a cabinet.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption, which is endemic in Mongolia, is widely perceived to have worsened in recent years, particularly with respect to state involvement in the mining sector. Anticorruption laws are vaguely written and infrequently enforced. The Independent Authority Against Corruption (IAAC) has been criticized as ineffective in pursuing cases. The IAAC's independence was weakened in 2019 when emergency legislation allowed the National Security Council (NSC) to recommend the chief's dismissal before the end of their term. The chief and the prosecutor general, who had called for prosecutions against parliamentarians implicated in corruption, were dismissed that year.

High-profile corruption cases were resolved in 2020. For example: in May, former prime minister Mendsaikhany Enkhsaikhon received a four-and-a-half-year prison sentence for corruption, but had his sentence reduced in November. Former prime ministers Jargaltulgyn Erdenebat and Sanjaagiin Bayar received prison sentences over separate accusations of corruption in July.

C3. Does the government operate with openness and transparency? 3 / 4

While there are many laws and regulations designed to maintain government transparency and accountability, implementation and enforcement is inconsistent. The 2011 Law on Information and Transparency and Right to Information contains exemptions allowing certain types of information to be withheld from the public, which authorities often invoke to limit disclosures. The 2019 constitutional amendments established an auditing body that would maintain powers over the government. The E-Mongolia platform, which is meant to make government services more accessible, launched in October 2020 and is a priority on Prime Minister Oyun-Erdene's agenda.

CIVIL LIBERTIES: 48 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Press freedom is generally respected, and media outlets collectively present a wide range of views. However, coverage can be partisan; the OSCE noted in its 2021 election observation mission report that many media outlets are dependent on the finances of their

politically connected owners, who attempt to exert editorial control. Ownership of media companies remains opaque. Many journalists self-censor to avoid offending political or business interests and facing costly libel or defamation suits.

Authorities imposed criminal penalties for the dissemination of purported disinformation in March 2020, as the COVID-19 pandemic took hold worldwide. Journalists reportedly engaged in self-censorship while reporting on the pandemic.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Individuals are free to practice their religion under the law and in practice, though religious groups are required to register with the government and the ease of registration procedures varies by region and locality.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

There are few significant impediments to free and open private discussion. Fear of repercussions from powerful actors continue to deter open expression for some.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is upheld in practice, though public assembly was restricted for much of 2021 under COVID-19-related measures.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Numerous environmental, human rights, and social welfare groups operate without restrictions, though most are small. Individual activists sometimes report incidents of intimidation and harassment.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Trade unions are independent and active, and the government generally respects their rights to bargain collectively and engage in legal strike actions. However, labor rights are restricted for certain groups, such as foreign and temporary workers, and there are some reports of employers unlawfully disrupting union activity.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 2 / 4

Judges are appointed by the president on the recommendation of the Judicial General Council, whose five members in turn are nominated by the three tiers of courts, the bar association, and the Justice Ministry. However, legislation passed in 2019 allows the NSC to recommend the dismissal of judges. President Khürelsükh announced in September 2021 that he would voluntarily relinquish his authority to appoint judges to allow for greater judicial independence. However, this was not codified in legislation by the end of the year.

Corruption and political influence in the daily work of judges remain concerns.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due-process rights are generally respected, but cases of arbitrary arrest and detention have been reported. The right to a fair trial can be undermined by intimidation or bribery.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While Mongolians face few major threats to physical security, there have been reports of police illegally using physical abuse to obtain confessions. Some prison and detention facilities feature insufficient nutrition, heat, and medical care.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

There are no formal barriers to equal treatment under the law. Discrimination based on gender, race, sexual orientation, gender identity, and other categories is prohibited. However, women and LGBT+ people continue to face societal discrimination and harassment, including in the workplace. Public events in support of LGBT+ equality have grown in attendance and visibility over the past several years.

Rape and other acts of sexual violence against LGBT+ people have historically gone unprosecuted. A 2017 criminal code revision includes stronger protections for this community; law enforcement officials have gradually received training to comply with the new code.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government respects freedom of movement. Exit bans imposed on individuals involved in legal cases are overseen by the courts.

The COVID-19 pandemic has brought some temporary restrictions on domestic movements, but perhaps more significantly has severely reduced air travel, including restricting Mongolians' ability to return to the country from abroad.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

People are generally free to own property and establish private businesses, though state-owned enterprises play a prominent role in some sectors. Corruption also hampers many private business activities. Officials have reportedly withheld operating licenses and other documentation from businesses until bribes are paid. There is a history of corruption and government interference in the mining industry.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual rights on personal-status issues such as marriage and divorce are protected by law. However, domestic violence remains a problem. The government has initiated programs to encourage better police responses to domestic violence complaints in recent years. A government survey conducted with the United Nations (UN) and published in 2018 found that nearly a third of women faced physical or sexual abuse from a partner. Just 10 percent of those who had suffered severe sexual violence by a nonpartner reported the crimes to the authorities. Sexual harassment is not explicitly restricted and is widespread.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The government has struggled to cope with economic inequality, particularly as large numbers of rural Mongolians migrate to cities that lack sufficient housing and infrastructure. Their situation has become even more precarious as the capital of Ulaanbaatar has restricted the registration of new residents in an effort to curb winter-time air pollution.

Women, children, people living in poverty, and other vulnerable segments of the population are at some risk of becoming trafficking victims, and can be compelled to engage in sex work, forced labor, or begging. Mine workers are subject to exploitative conditions, as are contract workers from China. The government has made efforts to better prosecute trafficking cases, but corruption and a lack of will to address the issue impede progress.

Montenegro

Population: 600,000

Capital: Podgorica

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: An opposition coalition came to power in late 2020 following elections held that August, ending three decades of rule by the Democratic Party of Socialists (DPS). However, the DPS maintains control over the judiciary. Corruption and party hiring remain problems, though the relationship between the government and the media has improved. The new administration has been more responsive to criticism from civil society and its political opponents.

KEY DEVELOPMENTS IN 2021

- The government in November unveiled the Europe Now program, which introduced a progressive tax rate and increased the minimum wage from €250 to €450, among other reforms. The program, which the parliament adopted in December, seeks to improve living standards and reduce the prominence of the illegal economy.
- In October, President Đukanović and his son Blažo were listed in the Pandora Papers, an investigation by the International Consortium of Investigative Journalists (ICIJ) that revealed the improper financial system and connections of rich and powerful actors around the world. The ICIJ investigation revealed that Đukanović and his son had placed money in offshore accounts via two so-called irrevocable trusts, which protect the signatories even in the event of criminal prosecution.
- In June, Parliament adopted a resolution recognizing the 1995 genocide in Srebrenica. Parliament also dismissed the justice minister, who had questioned whether the genocide took place, on the same day.

POLITICAL RIGHTS: 26 / 40 (+2)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is chief of state and is directly elected for up to two five-year terms. In April 2018, Milo Đukanović of the DPS, who has served as either prime minister or

president for most of the last three decades, was elected president with 53.9 percent of the vote. Independent candidate Mladen Bojanić finished second with 33.4 percent. Though Đukanović refused to participate in public debates and some irregularities such as misuse of public resources were reported, the Organization for Security and Co-operation in Europe (OSCE) monitoring mission stated that the polling was generally credible and respected fundamental rights. However, the mission noted that Đukanović and the DPS enjoyed significant institutional advantages that reduced the poll's competitiveness.

The president nominates the prime minister, who requires legislative approval. Following the parliamentary elections in August 2020, Đukanović nominated Zdravko Krivokapić, leader of the strongest electoral list in the postelection coalition, for the position. Krivokapić's government was approved that December.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the unicameral, 81-seat parliament—the Skupština—are directly elected for four-year terms.

While the DPS once again posted the strongest performance by a single party in the 2020 parliamentary election, taking 30 seats, it failed to secure a majority with its traditional coalition partners. With a narrow 41-seat majority, a new alliance consisting of three coalitions—the Future of Montenegro (27 seats), Peace is Our Nation (10), and In Black and White (4)—gained power. Turnout was high, at 76.64 percent.

The OSCE and the European Network of Election Monitoring Organizations (ENEMO) noted that the polls took place in an atmosphere of high polarization over issues including church affiliation and national identity. The election administration in some ways violated provisions of the constitution, including because the early election date was never harmonized with other legal obligations; pandemic restrictions on movement and assembly impeded campaign activities; and several lawmakers were arrested or charged with various offenses without their parliamentary immunity first being waived. The line between the ruling parties and the state was again blurred during the campaign, as the DPS and its coalition partners gained undue advantage through the widespread misuse of state resources, thus affecting the principle of equal opportunity in the campaign.

Nevertheless, the polls were widely considered an improvement from previous years' contests, with monitors and other analysts concluding that they were conducted in a more secure, orderly, and transparent manner and featured robust participation from across society.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The conduct of elections in Montenegro is facilitated by a comprehensive legal and administrative framework, but opposition parties have long claimed that this framework was seriously flawed. In 2018, Parliament voted to form a committee, composed of seven members from the ruling coalition and seven from the opposition, tasked with crafting legislation to reform electoral laws, taking into consideration recent recommendations of the OSCE and the European Commission (EC). However, numerous opposition parties refused to participate in the committee's efforts. Nevertheless, in 2020 these parties participated in elections run under a framework they had previously characterized as unfair.

A new Committee on Comprehensive Electoral Reform, comprised of all parliamentary parties, was formed in March 2021 and began to reform and improve the legal framework to ensure free and fair elections. The committee was to complete its work by June, but in December received an extension to mid-2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (+1)**

Political parties are for the most part able to form and operate without direct interference.

In 2021, the ruling party refrained from intimidating and delegitimizing opposition activity by equating it with threats to the state or to public order. Because of this calmer political environment, new antigovernment political groups emerged, competed in local elections, and participated in the public sphere without being pressured or demonized as “enemies of the state.”

Score Change: The score improved from 2 to 3 because political groups face fewer obstacles to their functioning than in past years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Prior to the 2020 elections, the DPS had been in power since 1991, which has provided it with significant structural advantages over opposition parties. In 2020, the opposition gathered in three coalitions, some led by figures relatively new to national politics, to focus efforts on criticizing the DPS, which proved to be a winning strategy. Surveys taken in 2021, as well as results from March local elections in Nikšić (the largest municipality), demonstrate that though the DPS remains the strongest political party, new political groups pose legitimate challenges to its power.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

While voters are generally free to express their political choices, the DPS has created extensive patronage systems and widespread corruption, in both public and private companies with links to the state, which encourage loyalty to the DPS. Moreover, many members of the DPS are believed to have ties to organized crime, which continues to provide opportunities for illicit pressure on voters and candidates. The new government did not put a stop to the practice of clientelism, thus severely undermining the planned depoliticization and professionalization of public administration and the creation of a proclaimed meritocratic system.

The Serbian Orthodox Church (SOC) in Montenegro has exerted notable influence on the government's personnel policy.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens have full political rights and electoral opportunities. Small political parties representing interests of ethnic, religious, and other minority groups participate in the political sphere, and members of these minorities are also represented within larger parties—though the Romany population remains underrepresented. In the 2020 elections, voter materials were provided in the Albanian language, but not the Romany language.

Women are underrepresented in political leadership positions and politics generally. Though the government formed in 2020 has taken steps to increase women's participation, including through gender quotas on electoral lists, implementation remains uneven. Draginja Vuksanović, the first woman presidential candidate in Montenegrin history, won 8 percent of the vote in the 2018 elections.

C. FUNCTIONING OF GOVERNMENT: 6 / 12 (+1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4 (+1)**

Đukanović has wielded vast personalized power for decades through his tenure as both prime minister and president, as well as during his time outside of government as chair of the DPS. Although the constitution provides for a parliamentary system of government, Parliament passed a new law after Đukanović's April 2018 election that expanded presidential powers, including by allowing the president to form councils, committees, and working groups within the presidency.

The coalition led by Prime Minister Krivokapić, which formed a new government in December 2020, rose to power through a narrow parliamentary majority. Their dependency on this narrow majority has pushed Krivokapić to be more responsive to lawmakers than his predecessors and has enabled the parliament to be stronger in its oversight functions.

Score Change: The score improved from 2 to 3 because the parliament has engaged in more oversight over the executive during the year.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption and cronyism remain widespread, and modest efforts by authorities to address the problem, prompted in part by EU accession requirements, have not produced significant results. EC Progress Reports have consistently questioned the integrity, credibility, impartiality, independence, accountability, and priority-setting of the agency. The 2021 EC report noted that the agency's new management has had a more proactive approach in public outreach activities, but its independence, priorities, approach, and decision-making remain impaired. The report also emphasized a need for the political will to address the prevalence of high-level corruption and the lack of independence of various public institutions. Senior officials implicated in corruption schemes rarely face prosecution. Civil society organizations and independent media provide some accountability by reporting on official corruption and its effects.

While the Krivokapić government has made some strides in fighting corruption, state prosecutors—in particular, the prosecutor responsible for pursuing organized crime and terrorism cases—are loyal to the DPS, which impeded those efforts in 2021.

In October 2021, President Đukanović and his son Blažo were listed in the Pandora Papers, an investigation by the ICIJ that revealed the improper financial system and connections of rich and powerful actors around the world. The ICIJ investigation revealed that Đukanović and his son had placed money in offshore accounts via two so-called irrevocable trusts, which protect the signatories even in the event of criminal prosecution. Đukanović's sister, Ana Kolarević, had been named in the Panama Papers in 2016.

C3. Does the government operate with openness and transparency? 2 / 4

Despite the Krivokapić government's promises to change the nontransparent practices of the past and be more open to the public, citizens still have few opportunities for meaningful participation in public consultations on legislation and policy reforms. Budget plans are not widely available, nor is information on government contracts, which has led to criticism from civil society of the Krivokapić government's continuation of the nontransparent practices of its predecessors.

CIVIL LIBERTIES: 41 / 60 (+2)**D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16 (+2)****D1. Are there free and independent media? 3 / 4 (+1)**

A variety of independent media operate in Montenegro, and media coverage continues to be partisan and combative on certain issues. Unlike the DPS government, the Krivokapić government has not sought to pressure reporters, nor does it exercise control of the public broadcaster, Radio and Television of Montenegro (RTCG). In June 2021, Parliament appointed a new RTCG Council, which in August appointed a new director. Following these changes, the RTCG began to feature more balanced editorial policy and more inclusive and diverse political content.

The lack of external pressure during 2021 made internal censorship within media houses and self-censorship among journalists less prominent. Structural problems inherited from the previous regime remain, as reporters who cover corruption and organized crime still risk violence. The interior minister claimed in November 2021 that all attacks on journalists during the year were investigated promptly, and the perpetrators were prosecuted. In December 2021, two suspects were detained in connection with the 2018 shooting and wounding of investigative reporter Olivera Lakić.

Score Change: The score improved from 2 to 3 because the country's public broadcaster operates with more independence under the new government and self-censorship has eased.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religious belief. However, during the final years of the DPS government, the SOC and its adherents were subjected to discrimination and hate speech, and its clergy has been characterized by the DPS as enemies of the state.

In late December 2019, a wave of protests erupted against the newly adopted and controversial Law on Freedom of Religion or Belief and the Legal Status of Religious Communities, which contained language SOC leaders said would allow the transfer of SOC buildings and other property to the Montenegrin state. It was adopted after rancorous sessions of Parliament that saw, among other things, the arrest of opposition lawmakers. Discontent among the SOC community—the largest confessional group in Montenegro—eventually led to a wave of SOC-organized peaceful protests against the law in 2020. The protests were reportedly the largest in the history of Montenegro; at times, a fifth of the population was in the streets across the country.

In late December 2020, in a somewhat rushed procedure, the new parliamentary majority removed provisions of the Law on Freedom of Religion regulating property rights and ownership of church buildings and estates. The enthronement of a new SOC church leader in September 2021 sparked anti-SOC protests and clashes with the police in Cetinje.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is guaranteed by law and generally upheld. However, the public maintains a generally disengaged relationship with researchers and university professors. In 2017, the rector of the University of Montenegro, who was appointed in 2014 and enacted a series of reforms, was removed by the government, violating university autonomy. In March 2020, the Supreme Court upheld the Podgorica High Court's previous ruling that her removal was unlawful. In February 2021, the governing board of the university, at the behest of the new government and student representatives, removed the rector who had been appointed in 2017. A new rector was elected by the university's managing board in July 2021.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (+1)

People are generally free to engage in public discussions. The Krivokapić government has not sought to silence dissenting voices by directing police to arrest social media users that post critical or satirical content. Individuals' fear of retribution for expressing their opinions online has diminished, and criticism of the parliamentary majority and the government has become somewhat commonplace.

Score Change: The score improved from 2 to 3 because individuals face less retribution for expressing their personal views under the current government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

While citizens generally enjoy freedom of assembly, the governing majority in Parliament has used similar rhetoric as its predecessors to delegitimize antigovernment protests.

Police used tear gas against rock-throwing, anti-SOC protesters in Cetinje in September 2021 and detained Đukanović's security advisor, Veselin Veljović after he tried to break the police barrier. The deputy prime minister subsequently accused participants of being terrorists who wanted to destabilize the country.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights—and governance-related work? 3 / 4

Although most nongovernmental organizations (NGOs) operate without interference, those that investigate corruption or that criticized the former DPS government faced pressure. In 2020, Đukanović accused the NGO sector (and independent media) of being responsible for the "bad image of Montenegro in the international community."

However, Krivokapić's government, which took power at the end of 2020, has recognized civil society actors as strategic partners in crafting comprehensive government reforms. Though some prominent NGO professionals taking positions in state institutions, some civil society members have criticized the government's reform commitments as being solely declarative and superficial in nature.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

There is freedom for trade unions, which remain relatively strong in the public sector. However, reports of intimidation of labor activists by employers continue.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

Efforts to bolster judicial independence continue, though the judiciary remains susceptible to pressure from the DPS, and judicial corruption remains a problem. Secret audio recordings and official documents leaked in 2019 implicated then-Supreme State Prosecutor Ivica Stanković (who retired in June 2021) and then-president of the Supreme Court Vesna Medenica (who resigned in December 2020) in bribery and corruption affairs; these issues are yet to be resolved. Responsibility for prosecutions remains under the tight grip of the DPS, and selective justice remains a systemic problem. There are serious deficiencies in transparency, openness, professionalism, and accountability in the judicial system.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are inconsistently upheld. Legal proceedings are lengthy and often highly bureaucratic, particularly when involving business dealings.

Police frequently hold suspects in extended pretrial detention while completing investigations. Courts are poorly funded and often overburdened.

Two Democratic Front (DF) leaders, Andrija Mandić and Milan Knežević, who were charged with plotting a coup in 2016, were found guilty in May 2019 and were each given sentences of up to five years in prison. Legal procedures surrounding the trial were chaotic and opaque, several witnesses recanted testimony, and many details of the alleged plot remained murky after the trial closed. In February 2021, an appeals court overturned the convictions of and ordered a retrial for 13 suspects accused of plotting the coup, including Mandić and Knežević, citing procedural mistakes and violations of criminal law.

In May 2021, the government voted to change the law governing prosecutor appointments by the Prosecutorial Council, even though concerns about the Council's potential politicization were raised by the Venice Commission of the Council of Europe (CoE).

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violent crime is not a significant problem, although several apparent executions by criminal gangs of rivals have taken place in recent years. Prison conditions do not meet international standards for education or health care, and prison guards reportedly abuse inmates regularly and with impunity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Members of the Romany, Ashkali, Egyptian, and other ethnic minority groups, as well as LGBT+ people, face discrimination. Women in Montenegro are legally entitled to equal pay for equal work, but patriarchal social norms often limit their salary levels, as well as their educational opportunities.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The freedom of movement and the right of citizens to change their residence, employment, and institution of higher education are generally respected in practice. However, despite the fall of the DPS government, jobs in the public sector are still awarded through patronage network, limiting access for those without connections.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The state sector dominates much of Montenegro's economy, and related clientelism, as well as corruption, pose obstacles to normal business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government for the most part does not place restrictions on personal social freedoms. In July 2020, Montenegro legalized same-sex civil partnerships. The first same-sex civil partnership was registered in July 2021.

Domestic violence is an increasingly severe problem, sometimes resulting in death due to the failure of law enforcement institutions to act preventively.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Most workers employed in the private sector remain unprotected from exploitation and arbitrary decisions of their employers. Human trafficking for the purposes of prostitution and forced labor remains a problem. The government does not fully meet the minimum standards for the elimination of trafficking but is increasing efforts to do so compared to the previous reporting period, according to the US State Department's 2021 *Trafficking in Persons Report*.

The government in November unveiled the Europe Now program, which introduced a progressive tax rate and increased the minimum wage from €250 to €450, among other reforms. The program, which the parliament adopted in December, seeks to improve living standards and reduce the prominence of the illegal economy.

Morocco

Population: 36,300,000

Capital: Rabat

Freedom Status: Partly Free

Electoral Democracy: No

Note: The numerical scores and status listed above do not reflect conditions in Western Sahara, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Morocco holds regular multiparty elections for Parliament and local bodies. Reforms in 2011 shifted some authority over government from the monarchy to the national legislature. Nevertheless, King Mohammed VI and his palace maintain full dominance through a combination of substantial formal powers and informal lines of influence in the state and society. Many civil liberties are constrained in practice.

KEY DEVELOPMENTS IN 2021

- The ruling Party of Justice and Development (PJD), a moderate Islamist party, was trounced in the September elections. The National Rally of Independents (RNI) and the Istiqlal Party, both closely aligned with the palace, were the primary victors. Pro-palace parties and technocrats dominated the subsequently formed government and are unlikely to pose any challenge to the king.
 - In April, Ibrahim Ghali, the leader of the Polisario Front—which calls for independence in Western Sahara—was allowed into Spain to seek treatment for COVID-19. In May, Moroccan authorities reportedly retaliated by allowing thousands of migrants to enter the Spanish enclave of Ceuta.
 - In July, *Akhbar al-Yaum* editor in chief Soulaïmane Raïssouni was sentenced to five years in prison on sexual assault charges that rights groups described as fraudulent. His was the latest in a series of prosecutions against journalists based on dubious claims of improper personal behavior.
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POLITICAL RIGHTS: 13 / 40**A. ELECTORAL PROCESS: 5 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4**

Constitutional reforms in 2011 require the king to appoint the prime minister from the party that wins the most seats in parliamentary elections. However, the reforms preserved nearly all of the king's existing powers: the monarch can disband the legislature, rule by decree, and dismiss or appoint cabinet members.

The ruling PJD was trounced in September 2021 elections, and the RNI and the Istiqlal Party, both closely aligned with the palace, were the primary victors. The king tapped Aziz Akhannouch of the RNI as prime minister. Akhannouch, whose oil-and-gas fortune is reportedly worth \$2 billion according to *Forbes*, is the second-richest person in Morocco after the king, whose wealth is estimated at \$5.7 billion.

In October, in keeping with royal prerogative, the king announced the new 24-member cabinet, with key positions going to technocrats.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The lower house of Parliament, the Chamber of Representatives, has 395 directly elected members who serve five-year terms. Of these, 305 are elected from 92 multimember constituencies. The remaining 90 are elected from a single nationwide constituency, with 60 seats reserved for women and 30 for people under the age of 40. Members of the 120-seat upper house, the Chamber of Counselors, are chosen by an electoral college—made up of professional, labor, and business organizations as well as local and regional officials—to serve six-year terms.

In the much-anticipated September 2021 parliamentary and municipal elections, the PJD won only 13 seats, down from 125 previously. The PJD performed more poorly than preelectoral forecasts, which predicted a fall in support, had suggested. The RNI and the Istiqlal Party, both closely aligned with the palace, were the effective winners, taking 102 and 81 seats respectively; the Authenticity and Modernity Party (PAM) took 87. The low turnout figure of 50.4 percent was nevertheless an improvement over the 43 percent figure seen in the 2016 elections. Turnout was likely higher in 2021 because the parliamentary elections were held simultaneously with local and municipal elections.

The PJD claimed fraud and irregularities, but offered little evidence. A more plausible explanation for the party's electoral misfortune is that it had delivered poorly on past electoral promises—though follow-through is difficult in a political system dominated by the monarchy, which regularly gives key ministries to other parties. The PJD was also blamed for the December 2020 normalization of relations with Israel, an unpopular policy among many Moroccans.

The 2021 election results effectively solidified the power of the monarchy, since pro-palace parties and technocrats dominate the new government and are unlikely to challenge the king.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The constitutional and legal framework allows for competitive legislative elections, but the transparency of the process is not guaranteed. Elections are overseen by the Interior Ministry, with some participation by the Justice Ministry, rather than an independent electoral

commission. Approximately three million Moroccans live abroad, and electoral laws make it exceedingly difficult for voters outside of Morocco to cast their ballots.

Changes in the electoral law made in March 2021 made it less likely for one party to win decisively.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Morocco has a multiparty system in which new parties frequently organize and emerge but are generally unable to assert themselves relative to the power of the palace. There remains significant cynicism toward electoral politics—a combination of distrust of party leadership, which is generally seen as corrupt and co-opted, and a belief that the palace ultimately makes major decisions instead of elected leaders.

Justice and Charity (Al-Adl wa al-Ihsan) is an illegal Islamist movement that does not participate in elections. Nevertheless, it enjoys widespread support, and authorities largely tolerate its activities. The reformist February 20 Movement, which emerged from the 2011 Arab Spring protests, and *Hirak Rif*, a campaign that began in Morocco's largely Amazigh (Berber) Rif region in 2016, enjoy considerable popular support, but both movements also face severe government repression.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Although there was a significant change in the government with the September 2021 election—with the PJD replaced by a new coalition led by the RNI, Istiqlal, and PAM—the shift does not presage a significant change in policy or power. The cabinet (announced by the king in October) maintains fundamental continuity, with technocratic, unaffiliated ministers appointed to strategic ministries.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The constitution and informal practice give the king overwhelming influence over political affairs, including government formation. The monarch and his circle of advisers and associates—known in Morocco as the *Makhzen* (“central storehouse”)—wield enormous private economic power that can be used to shape political outcomes through patronage networks.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The political system features universal suffrage, but parties based on religious, ethnic, or regional identity are prohibited, and the concerns and interests of women and the Amazigh population are not adequately addressed.

At least 40 percent of the population is Amazigh, and the majority of Moroccans have Amazigh roots. Amazigh elites enjoy access to the monarchy and have their interests represented in Parliament, but the bulk of the Amazigh population is socially, economically, and politically marginalized. Recent unrest in Al Hoceïma, the surrounding Rif region, and other cities across Morocco stemmed in large part from inequities experienced by many Amazigh residents and their inability to obtain redress for their grievances through the political system.

A system of reserved seats for women is meant to encourage their participation in the electoral process at the national and local levels, partly offsetting traditional social pressures that deter such engagement. Recent electoral laws helped facilitate an increase in women candidates for the September 2021 local and municipal elections: 27 percent of candidates were female, compared to 12 percent for the last municipal elections in 2015. Despite this, women lead only 1 percent of districts. For the national elections, 60 of the 395 seats in the Chamber of Representatives are reserved for women; additionally, half of the 30 seats reserved for youth are to be filled by women. The cabinet formed in October included a record 7 women.

The 2019 conviction of journalist Hajar Raissouni, for supposedly having an illegal abortion and engaging in extramarital sex, continues as a *cause célèbre*; it underscores the increasing political mobilization on behalf of women's rights and contributed to a nationwide petition calling for an end to outmoded and discriminatory laws. The ongoing "outlaws" campaign continued to gather signatures in its efforts to prompt criminal-code changes.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

While elected officials are duly installed in government, their power to shape policy is sharply constrained by the king, who determines the composition of the cabinet, sets domestic and foreign policy, commands the armed forces and intelligence services, and is at the heart of the Makhzen. Royal commissions are formed ad hoc and tend to wield more power than ministries.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is rife in state institutions and the economy. Despite official rhetoric about combating corruption, the palace and government have a mixed record on enforcement and progress has been slowed by a lack of political will, low institutional capacity, and the influence of elites who benefit from the status quo. In March 2021, Parliament strengthened the National Commission on Probity, Prevention and Fight against Corruption by broadening the definition of corruption and giving the body greater investigatory powers, though the results of this reform remain to be seen.

C3. Does the government operate with openness and transparency? 1 / 4

Overall transparency is limited. Civil society leaders have faulted a controversial 2018 access to information law for provisions that criminalize "misuse" of government information or "distortion of content." The government publishes budget and financial information online, and public officials—including parliamentarians, judges, and civil servants—are required to declare their assets.

However, the monarchy itself, with its vast array of economic interests, is not subject to these rules, and the extent of its activities is opaque. In October 2021, the king's sister, Princess Leila Hasnaa, was revealed to own property in London using a shell company when the Pandora Papers—an investigation by the International Consortium of Investigative Journalists (ICIJ) that revealed the secretive financial conduct of rich and powerful actors around the world—were released. The property was reportedly acquired using royal funds.

Transparency is lacking with respect to the king's health, a subject considered taboo.

CIVIL LIBERTIES: 24 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16****D1. Are there free and independent media? 1 / 4**

The state dominates the broadcast media, but affluent Moroccans have access to foreign satellite television channels. Although the independent press enjoys a significant degree of freedom when reporting on economic and social policies, the authorities use a number of financial and legal mechanisms to punish critical journalists who focus on the king, his family, the status of Western Sahara, or political Islam. The authorities also occasionally disrupt websites and internet platforms.

Since 2018, several independent journalists have faced prosecution on dubious charges of sexual assault or of financial misconduct. Most notably, *Akhbar al-Youm* editor in chief Soulaïmane Raïssouni in July 2021 was sentenced to five years in prison on sexual assault charges the Committee to Protect Journalists (CPJ) and other rights groups described as fraudulent.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Nearly all Moroccans are Muslims, and the king, identified as “commander of the faithful” in the constitution, has ultimate authority over religious affairs. Imams are required to obtain state certification, and mosques are monitored by the authorities. The government operates a well-financed training program for imams and female religious counselors tasked with promoting a state-sanctioned version of “moderate Islam,” which some critics charge is also intended to promote political quiescence.

Despite deep societal prejudices, a 3,000-person Jewish community is permitted to practice its faith, though many synagogues are unmarked. The Christian community, which numbers approximately 50,000, also experiences prejudice. Christian marriages are not legally recognized by the government.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Universities provide a relatively open space for discussion, but professors practice self-censorship when dealing with sensitive topics. Salafists—adherents of a fundamentalist form of Islam—are closely monitored in universities. Periodic violence between university student groups, often stoked by Morocco’s political, ethnic, and sectarian differences, inhibits the right to peaceful student activism.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

State surveillance of online activity and personal communications is a serious concern, and the arrests of journalists, bloggers, and activists for critical speech serve as a deterrent to uninhibited debate among the broader population. The use of spyware and surveillance technologies by the government is widespread. In December 2020, the Citizen Lab named the Moroccan government as a likely customer of Circles, a company that allows customers to monitor mobile phone users by exploiting weaknesses in telecommunications infrastructure.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12**E1. Is there freedom of assembly? 1 / 4**

Freedom of political assembly is sharply restricted. The authorities sometimes use excessive force and violence to disperse protests.

The government suppressed the 2016–17 Hirak Rif protest movement against corruption and economic deprivation. Nasser Zefzafi and other protest leaders received 20-year prison sentences in 2018, while 50 other activists received shorter sentences. Authorities also harass activists involved in organizing antigovernment demonstrations that protest *hogra*, an Arabic term referring to the loss of dignity due to perceived official indifference or contempt.

Ongoing economic dislocation stemming from structural inequities in the economy and COVID-19 prompted unrest in 2021. Most significantly, protests emerged after the August death of Yassine Lekhmidi, a 25-year-old man in Sidi Bennour. Lekhmidi's food cart was confiscated in July because he was not wearing a face mask; he paid a fine, but authorities did not return the cart. Lekhmidi then self-immolated, dying of his injuries in August. Hundreds subsequently protested in Sidi Bennour, while Moroccans nationwide followed events closely. However, in an apparent sign of the Makhzen's power, the protests did not have clear nationwide consequences.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

While civil society organizations are active, they are subject to legal harassment, travel restrictions, intrusive surveillance, and other impediments to their work. The authorities routinely deny registration to nongovernmental organizations (NGOs) with links to Justice and Charity or that assert the rights of marginalized communities.

The Moroccan Association for Human Rights (AMDH), one of Morocco's most prominent NGOs, is frequently targeted by the government. The authorities have cancelled numerous AMDH events in recent years and are known to impede its efforts to rent space and open bank accounts. In 2020, its vice president was charged with defamation for criticizing the COVID-19-related confiscation of street merchants' goods in the city of Nador but was later acquitted.

Amnesty International has been prohibited from carrying out research in Morocco since 2015.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers are permitted to form and join independent trade unions, and the 2004 labor law prevents employers from punishing workers who do so, but there are undue legal and employer restrictions on collective bargaining and strikes. The authorities sometimes forcibly break up labor-related protests. Unions are closely affiliated with political parties.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

The court system is not independent of the monarch; the king chairs the Supreme Council of the Judiciary. In practice, the courts are regularly used to punish perceived opponents of the government, including dissenting Islamists, human rights and anticorruption activists, and critics of Moroccan rule in Western Sahara. Local courts are perceived as corrupt and serving powerful interests.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police frequently violate legal and procedural safeguards against arbitrary arrest and detention, and many convictions rely on confessions that are coerced. Pretrial detainees are reportedly held beyond a one-year limit, and there are no provisions in the law allowing for pretrial detainees to challenge their detentions in court. Some suspects, particularly those accused of terrorism, are held in secret detention for days or weeks before formal charges are filed.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Cases of excessive force by police and torture in custody continue to occur. Prisons often suffer from overcrowding, and prisoners faced heightened risks of contracting COVID-19.

Terrorism remains a threat to physical security in Morocco.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Constitutional reforms in 2011 granted official status to Tamazight languages, which have been promoted in schools along with Amazigh culture. Nevertheless, Amazigh and other communities that do not identify with the dominant Arab culture tend to face educational and economic disadvantages. Civil society groups that promote Amazigh rights have faced government interference.

Gender equality was also recognized in the 2011 constitution, but women continue to face significant discrimination at the societal level and are underrepresented in the labor force.

LGBT+ people face harsh discrimination and occasional violence. Same-sex sexual relations can be punished with up to three years in prison.

The government has granted temporary residency permits to refugees and migrants as part of an effort to regularize their status and provide them with basic services. However, many registered refugees living in Morocco still do not possess residency or work permits.

The decision of the United States in December 2020 to recognize Morocco's claims to Western Sahara emboldened Rabat to press other countries—especially Spain—to take similar steps. In May 2021, the government “weaponized” migration to protest Spain's April admission of Polisario Front leader Ibrahim Ghali for COVID-19 treatment: Moroccan authorities reportedly allowed several thousand migrants to enter the Spanish enclave of Ceuta, though Spain returned many of the migrants to Morocco.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Moroccan law guarantees freedom of movement and the ability to change one's place of employment or education, but in practice poor economic conditions and corruption limit these rights. Widespread bribery, nepotism, and misconduct within the educational sector constrain merit-based advancement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Well over a third of the land is collectively owned by tribes and managed by the Interior Ministry, and in recent years it has been subject to private development without fair compensation to previous occupants. Moreover, under tribal rules of inheritance, women cannot hold the rights to occupy and use such lands, leaving them more vulnerable to displacement. Ordinary inheritance rules also put women at a disadvantage, generally granting them half the property of an equivalent male heir.

Private business activity is hampered in part by the dominant role of the king, his family, and the Makhzen. Among other assets, Mohammed VI has a majority stake in Al Mada, a massive holding company with stakes in virtually every economic sector, including mining, tourism, food, banking, construction, and energy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The 2004 family code granted women increased rights in the areas of marriage, divorce, and child custody, though a number of inequities and restrictions remain, and implementation of the code has been uneven.

All extramarital sexual activity is illegal, which deters rape survivors from bringing charges, among other repercussions.

Domestic violence is rarely reported or punished due to social stigma, though Moroccan NGOs offer support to domestic-violence survivors. A 2018 law criminalized domestic violence and forced marriage, and imposed more stringent penalties on those convicted of rape. Although the law was considered a step forward, critics faulted the legislation for failing to outlaw spousal rape, not providing a clear definition of domestic violence, and not mandating the government to provide greater support for survivors. In July 2020, a network of NGOs reported that domestic violence increased during the country's COVID-19 lockdown.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Poverty is widespread, and economic opportunities are scarce for a large portion of the population.

Child laborers, especially girls working as domestic helpers, are denied basic rights and are frequently abused by their employers. A 2018 labor law meant to protect young women employed as household workers requires employers to use written contracts, sets a minimum working age of 18 (after a five-year phase-in period during which 16- and 17-year-olds are allowed to work), mandates a day off each week, and sets a minimum wage. Rights groups criticized the legislation for failing to provide support to reintegrate domestic workers into society, and for permitting girls under 18 to work until 2023.

A 2016 law criminalized human trafficking; existing measures had defined and banned only some forms of trafficking and left many victims unprotected. Immigrant laborers, especially from sub-Saharan Africa, are often employed informally and subject to significant exploitation.

Mozambique

Population: 32,000,000

Capital: Maputo

Freedom Status: Partly Free

Electoral Democracy: No

Overview: The ruling party's unbroken incumbency before and since the first multiparty elections in 1994 has allowed it to establish significant control over state institutions. The opposition has disputed the results of recent elections, and its armed wing fought a low-level conflict against government forces that persisted until a truce was signed in 2016. Hundreds of thousands of people have since been internally displaced due to an ongoing Islamist insurgency. Mozambique also struggles with corruption, and journalists who report on it and other sensitive issues risk violent attacks.

KEY DEVELOPMENTS IN 2021

- The ongoing Islamist insurgency in Cabo Delgado continued during the year, and the government reluctantly accepted support from regional partners, including Rwanda and the Southern African Development Community (SADC) in August, who helped reclaim significant territory. Security forces deployed to fight the insurgents have also been accused of extrajudicial killings, kidnappings, and other abuses.
- In August, the corruption trial began for the perpetrators of the 2016 “dividas ocultas” (“hidden debts”) scandal, when three companies secretly and illegally received a more than \$2 billion loan. Nineteen defendants—former high-level government officials, former finance minister Manuel Chang, and the son of a former president—have been charged with corruption. President Filipe Nyusi, who was minister of defense at the time, has been cited by multiple defendants as having played a prominent role.

POLITICAL RIGHTS: 14 / 40**A. ELECTORAL PROCESS: 3 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4**

The president, who appoints the prime minister, is elected by popular vote for up to two five-year terms. President Nyusi of the Front for the Liberation of Mozambique (FRELIMO) won the presidential contest in 2019 with 73 percent of the vote. Additionally, because FRELIMO won the most votes in all provinces, it received the right to select all 10 of the country’s provincial governors. Turnout was reported at just over 50 percent.

The campaign was marred by violence, much of which targeted opposition members or their supporters, and several politicians and activists were killed. Anastácio Matavel, a respected independent election observer, was killed that October, with members of an elite police unit accused of carrying out the murder. Further violence was reported at dozens of polling stations on election day, as were instances of harassment of poll workers, notably those appointed by the opposition, with police taking part in the intimidation. Additionally, there were credible reports of ballot-box stuffing; interference with the registration of election observers; serious voting-register inaccuracies, particularly in Gaza Province; and tabulation irregularities. As in past elections, FRELIMO enjoyed a strong advantage due to its use of state resources to fund campaign activities and secure media coverage.

Opposition parties denounced the election as fraudulent. Civil society organizations characterized the polls as not free, unfair, nontransparent, and the worst since the introduction of multiparty democracy in 1994. They also argued that the ruling party had captured the electoral machinery through the National Elections Commission’s (CNE) appointment process. International observers from the Community of Portuguese Language Countries, the European Union, and the US embassy expressed concern about the reports of irregularities and election-related violence, but ultimately recognized the outcome.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Members of the 250-seat unicameral Assembly of the Republic are elected to five-year terms. The 2019 legislative elections were held concurrently with the presidential election. FRELIMO took 184 seats, up from 144 previously. The Mozambique National Resistance (RENAMO) won 60 seats, down from 89 previously, and the Democratic Movement of Mozambique (MDM) took 6 seats, down from 17 previously.

The legislative polls were marred by the same violence, irregularities, and fraud allegations as the presidential election. International observers objected to their conduct but accepted the results; opposition parties rejected the elections; and a coalition of civil society groups called them patently flawed.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are administered by the CNE and a support body, the Technical Secretariat for Electoral Administration. While the CNE's members hail from FRELIMO, RENAMO, the MDM, and civil society, FRELIMO effectively controls the selection process. Domestic and international observers have long argued that this structure has led to the politicization of the body and deeply undermines stakeholder confidence in its operations. Seven new CNE members were selected by the FRELIMO-controlled parliament in December 2020.

The CNE's administration of the 2019 elections drew sharp domestic and international criticism. Among other significant issues, large discrepancies emerged between the CNE's voter rolls and records kept by the National Institute of Statistics, notably in Gaza Province, a FRELIMO stronghold. CNE records showed more than 300,000 more registered voters in Gaza than voting-age adults counted in the 2017 census.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

The right to form political parties is largely respected. While many parties compete, most lack resources to campaign effectively and build a public following. Opposition leaders face harassment and threats for speaking out against the government. Figures within FRELIMO perceived as acting in conflict with the aims of the party can encounter obstacles, including intraparty disciplinary measures. In August 2021, the corruption trial of several former ministers and a son of former president Armando Guebuza began, creating tensions within the ruling party.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

FRELIMO first took power when Mozambique gained independence in 1975 and has maintained it since the 1992 agreement that ended the country's civil war and the 1994 multiparty elections. Since then, FRELIMO has maintained an electoral advantage by using public resources to fund campaign activities.

In 2018, the parliament overwhelmingly approved constitutional reforms that would allow the indirect election of provincial governors, district administrators, and mayors. The changes were viewed as beneficial to RENAMO and a step toward greater decentralization and political stability. However, because FRELIMO secured an overwhelming victory in the severely flawed 2019 elections, ostensibly winning the most votes in all provinces, it selected all the country's provincial governors, effectively nullifying the constitutional reforms.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Unelected elites in FRELIMO, including military figures and powerful businesspeople, retain great influence and play a large role in shaping the party's platform. Civil servants

face acute pressure to campaign and vote for the ruling party, and to make financial contributions to it. Those who openly support opposition candidates face intimidation by elements of the party embedded in state administration and the police.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Ethnic minorities are generally able to participate fully in political life, and people from various ethnic groups hold high-level government positions. However, FRELIMO's support base lies in the extreme north and extreme south, and ethnic groups concentrated in other regions, such as the Ndau and Macua, are underrepresented. In 2019, three districts affected by the regional conflict in Cabo Delgado Province could not vote for security reasons. Many ethnic-minority voters who live there, notably members of the Makonde and Mwani ethnic groups that are concentrated in the region, were effectively disenfranchised. Women hold 42.4 percent of seats in the parliament, and a few were appointed to notable cabinet roles in a January 2020 reshuffle. Nevertheless, men continue to hold most key political positions.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Power remains generally centralized in the executive branch, which dominates the parliament and all other branches of government. The 2018 constitutional reforms introduced some measures to reduce centralization but were effectively overridden by FRELIMO's victory in the severely flawed 2019 elections.

Foreign donors have significant influence on policymaking, specifically as it relates to economic policy and public sector reform. Business elites connected to FRELIMO have a strong impact on government decisions, particularly on those related to foreign investment in the oil, gas, and agriculture sectors.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains widespread at the highest levels of government. Patronage networks are deeply entrenched, with various groupings competing for state resources. The anticorruption legal framework is undermined by a variety of loopholes: for example, embezzlement is not included in the Anti-Corruption Law. The judiciary, susceptible to pressure from the executive branch, further impedes the enforcement of anticorruption laws.

In August 2021, the corruption trial began for the perpetrators of the 2016 “*dividas ocultas*” (“hidden debts”) scandal, when three companies secretly and illegally received a more than \$2 billion loan. Nineteen defendants—former high-level government officials, former finance minister Manuel Chang who approved the illegal loans, and the son of a former president—have been charged with corruption. President Nyusi, who was minister of defense at the time, has been cited by multiple defendants as having played a prominent role.

However, in November 2021, a South African court ruled that Chang should be extradited to the United States, where he was indicted in a New York district court in 2018; Chang had been imprisoned in South Africa since 2018. Mozambican authorities challenged the ruling.

C3. Does the government operate with openness and transparency? 2 / 4

Despite the passage of a freedom of information law in 2014, it is difficult to obtain government information in practice. The government is especially opaque regarding the Islamist insurgency in Cabo Delgado Province.

CIVIL LIBERTIES: 29 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 2 / 4**

State-run outlets dominate the Mozambican media sector, and authorities often direct such outlets to provide coverage favorable to the government. However, several smaller independent outlets provide important coverage. Journalists frequently experience government pressure, harassment, and intimidation, which encourages self-censorship.

The government is known to retaliate against journalists who criticize them, including by cancelling public advertising contracts. Journalists and political commentators appearing on television programs have been the targets of attacks and kidnappings in recent years.

Police frequently harass, assault, and detain journalists. In October 2021, police officers assaulted reporter Armando Nenane in Maputo after covering a traffic accident; the officers demanded that he erase video footage on his phone.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is generally respected, but government responses to attacks by armed Islamists have involved closing mosques and detaining Muslim leaders, alarming human rights activists.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

There are no legal restrictions on academic freedom. However, academics have been hesitant to criticize the government since law professor Gilles Cistac was murdered after supporting RENAMO in a televised appearance in 2015.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Civil society groups claim that authorities monitor criticism of the government posted online. There have been reports of government intelligence agents monitoring the emails of opposition party members.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12**E1. Is there freedom of assembly? 2 / 4**

Freedom of assembly is constitutionally guaranteed, but the right to assemble is subject to notification and timing restrictions. The government frequently disallows protests due to errors in the organizers' official applications.

Despite these obstacles, protests do take place. In May 2021 in Tete Province, laborers protested outside the headquarters of Brazilian mining company Vale before a meeting between government representatives and the company about compensation claims. During the demonstration, two people were injured and many were detained by police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Most nongovernmental organizations (NGOs) operate without significant legal restriction. However, rights defenders and members of groups perceived as critical of the government continue to report acts of intimidation, which increased ahead of the 2019 election. NGOs involved in election-monitoring activity reported significant obstruction and harassment, including death threats.

The Mozambican Association for the Defense of Sexual Minorities (LAMBDA) has applied for registration multiple times since 2008 without success. While LAMBDA has operated with the occasional cooperation of local authorities, its legal status remains unresolved.

Humanitarian operations in northern Mozambique have some restrictions to operate freely because of violence in the region.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers have the right to form unions, but several restrictions impede the right to strike and make the practice rare. Public-sector workers are not allowed to strike.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence is hampered by the dominance of the executive branch. The attorney general is directly appointed by the president, with no legislative confirmation process. Pressure from FRELIMO's leadership often impedes investigations into corruption and fraud. While former president Armando Guebuza and members of his administration have been implicated in fraud and embezzlement, prosecutions were not promptly launched against them, though Guebuza-era finance minister Manuel Chang was eventually charged for corruption in late 2020. Observers claim that this historical inaction results from the influence of FRELIMO's leadership.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Although due process rights are constitutionally guaranteed, these rights are not always respected in practice. RENAMO leaders assert that the police arrest members of their party arbitrarily. Due to resource constraints and an understaffed judiciary, lengthy pretrial detentions are common.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Fighting between RENAMO and FRELIMO lasted for over a year before the parties agreed to a truce in late 2016. While a formal agreement was reached in August 2019, a dissident group of RENAMO fighters resisted demobilization. In August and September 2020, this group reportedly launched several attacks against civilians in central Mozambique, leading to several dozen deaths. Mariano Nhongo, the leader of the dissident group, was killed in October 2021 in an apparent military operation, though the details are unclear.

Residents of Cabo Delgado Province continue to suffer from violence and displacement due to an ongoing Islamist insurgency. Insurgents captured towns in the north during 2020, killing and kidnapping civilians. Fighting continued in 2021, and the government reluctantly accepted support from regional partners, including Rwanda and the SADC, who helped reclaim significant territory. Security forces deployed to fight the insurgents have also been accused of extrajudicial killings, kidnappings, and other abuses.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Mozambican police reportedly discriminate against Zimbabwean, Somali, and Chinese immigrants. People with albinism continued to face discrimination, persecution, and violence.

Women experience discrimination in education and employment; on average, women are less educated and earn less than men. Sexual harassment in the workplace and at schools

remains widespread. Homosexuality was decriminalized in 2015, but LGBT+ people face significant discrimination.

The number of internally displaced persons (IDPs) has increased in Cabo Delgado and Niassa provinces due to the escalating conflict. In September 2021, a Rwandan refugee living in Mozambique was murdered. Many Rwandan refugees, some of whom fled violence perpetrated by the Rwandan military, have reported feeling unsafe due to the Rwandan army's presence in Cabo Delgado.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Although Mozambicans face no formal restrictions on domestic or international travel, movement is hampered by the presence of checkpoints manned by corrupt police officials, who often harass and demand bribes from travelers.

Hundreds of thousands of Mozambicans have been displaced due to the ongoing insurgency in Cabo Delgado Province. In December 2021, the Office of the UN High Commissioner for Refugees (UNHCR) recorded over 744,000 IDPs in Mozambique, mostly from Cabo Delgado. Many IDPs resided in the provincial capital of Pemba, pushing authorities to create a resettlement plan to decongest the city. Authorities in Niassa Province have also asked for help managing the displaced population.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The law does not recognize private property outside urbanized areas; citizens instead obtain land use rights from the government. Many citizens are uninformed about the land law and fail to properly register their holdings. The government must approve all formal transfers of land use rights in an often opaque and protracted process. As a result, most land transactions occur on an extralegal market.

There is no legal restriction to private business. However, businesspeople do face kidnappings and extortion.

Under customary law, women usually cannot inherit property. The government does not frequently intervene to protect women's property rights when inheritance is denied.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence is pervasive in Mozambique and laws against it are infrequently enforced. Early and forced marriages remain common in rural areas.

Mozambique has historically possessed one of the world's highest rates of child marriage, though the government passed legislation closing a loophole that previously allowed the practice in 2019. Children and women have been especially impacted by ongoing violence in Cabo Delgado. Insurgents have kidnapped children to be used as soldiers, and women are being captured as sexual slaves.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Many women and girls from rural areas are at risk of becoming drawn into sex trafficking and domestic servitude. Government efforts to confront trafficking are improving but remain inadequate, according to the US State Department's 2021 *Trafficking in Persons Report*, which also stated that the authorities did not proactively identify survivors outside of criminal cases and have not enacted an action plan or legislation that would better support them.

Child labor is permitted for children between 15 and 17 years old with a government permit. However, children under 15 frequently labor in the agriculture, mining, and fishing sectors, where they often work long hours and do not attend school. Many observers note that the government's 2017 plan of action to address the high number of children who are employed has been ineffective.

Myanmar

Population: 55,500,000

Capital: Nay Pyi Taw

Freedom Status: Not Free

Electoral Democracy: No

Overview: Myanmar's already-stalled democratic transition was completely derailed in February 2021, when the military, known as the Tatmadaw, seized control of the government, arresting dozens of senior government officials and preventing the newly elected parliament from convening. The National League for Democracy (NLD), which won a sweeping victory in the November 2020 elections, led a broad-based opposition to the takeover, organizing a country-wide Civil Disobedience Movement (CDM) that continued throughout the year. Protesters were met with indiscriminate violence from military forces, and journalists, activists, and ordinary people risked criminal charges and detention for voicing dissent. Armed conflict between the military and ethnic rebel groups continued, as did the forced displacement of hundreds of thousands of Rohingya, a mostly Muslim ethnic minority.

KEY DEVELOPMENTS IN 2021

- Alleging fraud and irregularities in the November 2020 elections, the military carried out a coup in February, hours before the newly elected parliament was due to be seated. After taking power, the military declared a state of emergency, imposed a broad-based communications shutdown, expanded the range of laws used to punish dissent, and arrested dozens of political and cultural figures—including both President Win Myint and State Counselor Aung San Suu Kyi.
 - A group of ousted elected lawmakers formed the National Unity Government (NUG) in April as an alternate power base to the military regime. The widely popular NUG operated as a shadow government throughout the year, with its members in hiding or in exile.
 - In August, Min Aung Hlaing declared himself prime minister and head of a caretaker government that would enforce military rule until August 2023, when the military has promised to hold new elections.
 - The widespread CDM gathered steam in the weeks after the coup and continued throughout the year, involving multiple political parties and civil society groups. By the end of the year, more than 11,000 protesters had been arrested, almost 1,400 had been killed by military forces, and nearly 2,000 faced criminal charges handed down by the junta, while others were subjected to grave abuses, including torture, in overcrowded prisons.
 - Fighting between the army and ethnic minority groups in Chin, Kachin, Karen, Rakhine, and Shan States intensified during the year, displacing thousands of
-

civilians and limiting free movement. Ethnic rebel groups provided sanctuary to those seeking to escape the military regime.

POLITICAL RIGHTS: 0 / 40 (-13)

A. ELECTORAL PROCESS: 0 / 12 (-5)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-2)

Under the 2008 military-drafted constitution, the legislature elects the president, who serves as chief of state and head of government and makes a number of key ministerial appointments. Military members of the legislature have the right to nominate one of the three presidential candidates, and the elected members of each chamber nominate the other two. The candidate with the largest number of votes in a combined parliamentary vote wins the presidency; the other two candidates become vice presidents, ensuring that a military nominee is always either president or vice president. The commander in chief of the armed forces retained broad powers under the 2008 constitution, including control over security-related cabinet ministries (home, defense, and border affairs), and is selected through an opaque process by the military-dominated National Defense and Security Council (NDSC).

A new president was set to be selected in early 2021, following the November 2020 parliamentary elections; this process was disrupted by the February 2021 military coup, which dissolved parliament and installed a military junta led by the unelected Senior General Min Aung Hlaing, head of the armed forces. President Win Myint and State Counselor Aung San Suu Kyi, de facto leader of the NLD, were both detained in the early hours of the coup, along with over one hundred other political leaders. In early December, the military regime sentenced Win Myint and Suu Kyi to four years' imprisonment on charges of incitement; soon after, the sentences were reduced to two years. In addition, Suu Kyi has been charged with illegally importing communications equipment, violating pandemic restrictions, corruption, electoral fraud, and breaching the Official Secrets Act. The military retained control of the government throughout 2021.

Score Change: The score declined from 2 to 0 because the president and reelected civilian government officials were ousted in a military coup.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-2)

The bicameral Assembly of the Union consists of the 440-seat lower House of Representatives and the 224-seat upper House of Nationalities. Representatives serve five-year terms. A quarter of the seats in both houses are reserved for the military and are filled through appointment by the commander in chief of the armed forces. The remainder are filled through direct elections in a first-past-the-post system.

The 2020 parliamentary elections featured significant flaws, including the exclusion of many Muslim candidates and the disenfranchisement of hundreds of thousands of Rohingya. The Union Election Commission (UEC) canceled voting in a number of conflict-affected districts, preventing about one million people from electing new representatives. Other electoral flaws included limited access of opposition parties to state-run media during the campaign period and pandemic-related restrictions on in-person campaigning.

The NLD won a convincing majority in the overall popular vote, taking 138 of the 168 elected seats in the upper house, 258 of the 330 elected seats in the lower house, and 501 of 660 elected seats across 14 state and regional legislatures. The military-backed

Union Solidarity and Development Party (USDP) refused to accept the election results, alleging widespread fraud.

In February 2021, hours before a new session of parliament was set to begin, the military seized control of the government, imposing a state of emergency, dissolving parliament, and preventing elected representatives from taking their seats. Several elected officials were detained, and hundreds more were placed under house arrest.

Score Change: The score declined from 2 to 0 because the military coup prevented recently elected members of parliament from convening.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

Various features of the electoral framework have undermined the democratic nature of recent elections. These include the military's role in presidential nominations and appointments to both chambers of parliament, as well as rigid citizenship laws and excessive residency requirements that prevent large numbers of people from voting or standing for office.

The UEC, which is responsible for electoral administration, is empowered to adjudicate complaints against itself. Its members are appointed by the president and confirmed by the legislature, which has only limited authority to reject nominees. In 2020, UEC decisions to limit or cancel voting in several dozen townships populated by ethnic minority groups, as well as its rules surrounding access to and censorship of broadcast time allotted to political parties, were criticized as lacking sufficient transparency and disenfranchising voters.

After seizing power in February 2021, military leadership cited the USDP's fraud allegations, flaws in electoral administration during the 2020 elections, and the NLD's "failure" to address alleged voter list irregularities to justify rejecting the 2020 election results and deposing the elected government. The military regime also dissolved the UEC before reinstating the body with all new members, later charging a number of former UEC commissioners with electoral fraud. In July, the new UEC officially overturned the results of the November 2020 vote, and the following month, Min Aung Hlaing announced that new elections would be held in August 2023, extending the military's initial one-year timeline.

Less than a month after taking power, the military regime proposed that the current first-past-the-post system be replaced with a proportional representation system. In October, the reconstituted UEC announced that it plans to introduce the change prior to the country's next elections despite widespread criticism of the proposed change, which opposition parties claim is an attempt to keep the military in power.

Score Change: The score declined from 1 to 0 because the military effectively suspended the constitution and overturned existing electoral laws, rejecting election results that had been confirmed by the Union Election Commission.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (-5)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4 (-2)

Party competition in the lead-up to the 2020 elections was robust, with 7,000 candidates from more than 90 parties participating, including the NLD, the USDP, and regionally based ethnic parties. Following the February 2021 coup, political parties continued to function, despite facing considerable restrictions and harassment. A number of prominent lawmakers

and nonmilitary political leaders have been arrested by the military regime, and some have been charged with criminal offenses and put on trial, including much of the NLD leadership.

Following the 2021 coup, a group of previously elected officials unseated by the military regime formed the Committee Representing Pyidaungsu Hluttaw (CRPH), which claims to represent a legitimate parliament and perform the duties of an elected government. In April, the CRPH established the National Unity Government (NUG), a resistance government largely made up of ousted NLD politicians. Throughout 2021, the NUG operated as an alternate power structure with influence over small pockets of the country, and organized countrywide opposition to the coup. Shortly after the NUG was formed, Myanmar's military leadership classified the NUG, its armed People's Defense Force (PDF), and the CRPH as terrorist organizations, which could result in prosecution and detention for anyone who communicates with the groups' members.

The constitution contains a requirement that political parties be loyal to the state, which carries the potential for abuse. Laws allow penalties, including deregistration, for political parties that accept support from foreign governments or religious bodies, or that are deemed to have abused religion for political purposes or disrespected the constitution. In August 2021, the UEC announced plans to conduct financial audits of political parties, which many opposition leaders fear will be used to justify dissolving certain parties.

Score Change: The score declined from 3 to 1 due to the mass arrest of political party leaders and the suspension of ordinary political activity during the military coup and state of emergency.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4 (-1)

The military's constitutional prerogatives, as well as its close ties to the USDP, limit the degree to which any other force can secure control over the executive or the legislature through elections. Despite such limitations, the NLD won a convincing majority in the November 2020 elections. Following the coup in February 2021, the military announced that new elections would be held within a year; in August, Min Aung Hlaing announced that the military's timeline had been extended, and new elections would not be held until August 2023. While there was no immediate electoral opportunity through which the opposition could gain power during 2021, the shadow NUG gained strength as an alternative power base, due in part to its ability to fundraise and form alliances.

Score Change: The score declined from 2 to 1 because the military's seizure of power sharply reduced the prospects of a change in government through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4 (-2)

After the NLD came to power in 2015, the military's ability to influence electoral outcomes lessened, though it maintained considerable power over political affairs. The November 2020 elections, however, resulted in the defeat of the military's civilian proxy party, which was widely viewed as an endorsement of Aung San Suu Kyi's civilian government. The military refused to accept the election results, and in February 2021, seized control of the government. Following the coup, the military used force to contain the widespread protests against military rule that continued throughout the year—including the arrest of political leaders and civilian protestors, excessive violence and custodial abuse, and mass killings—in an attempt to secure its takeover.

Score Change: The score declined from 2 to 0 due to the military leadership's consistent and widespread use of armed force to secure its rule and control political outcomes during and after the coup.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Members of Myanmar's Buddhist and ethnic Bamar majority hold most senior leadership positions in the country, including in major national political parties, the pre-2021 civilian government, and the military. Members of ethnic and religious minority groups face restrictions on their political rights and electoral opportunities, including through discriminatory citizenship, residency, and party registration laws.

The 1982 Citizenship Law does not allow for anyone who entered the country or is descended from someone who entered the country after 1948 to become a full citizen with political rights. Naturalization of spouses is only allowed if the spouse holds a Foreigner's Registration Certificate from before the law's enactment. The majority of the mainly Muslim Rohingya were rendered stateless by the 1982 Citizenship Law, which also dictates that only those who are descended from ethnic groups deemed to be native to the country prior to 1823 are considered full citizens. A 2015 presidential decree revoked the temporary identification cards that had allowed Rohingya to vote, and most of the 600,000 Rohingya remaining in Myanmar were unable to vote in the 2020 elections.

Women remain underrepresented in the government and civil service, due largely to societal biases that discourage their political participation. Notwithstanding the prominence of Aung San Suu Kyi, whose father led Myanmar's independence struggle, few women have achieved ministerial-level appointments.

Following the February 2021 coup, the General Strike Committee of Nationalities (GSCN) was formed by members of 29 ethnic groups. The GSCN was established to support antimilitary protests and present the coordinated demands of Myanmar's minority groups, which include an end to military rule and the creation of a federal democratic union. The NUG and CRPH have also made a concerted effort to include members of Myanmar's ethnic groups, and have formed alliances with many of the country's Ethnic Armed Organizations (EAOs) in opposition to Tatmadaw rule.

C. FUNCTIONING OF GOVERNMENT: 1 / 12 (-3)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-2)

In February 2021, the military deposed the sitting government, prevented newly elected representatives from taking office, and assumed full control over all areas of government policy. The 2008 constitution allows the military to dissolve the civilian government and the parliament and rule directly if the president declares a state of emergency. The military used this provision to execute the 2021 coup; after arresting senior government leaders, military forces declared a state of emergency and assumed control of the government.

Effective governance and control over territory in some regions remains contested between the armed forces and ethnic minority rebel groups. Following the 2021 coup, many of these groups offered protection for those fleeing from military violence.

Since May 2021, the NUG, composed of previously elected representatives, has operated as a shadow government with considerable popularity and legitimacy, although it does not exercise control over state institutions or decision-making.

Score Change: The score declined from 2 to 0 because the military coup prevented duly elected executive and legislative representatives from taking office and determining government policy.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Despite government initiatives aimed at curbing official corruption, it remains rampant at both the national and local levels. An Anti-Corruption Commission (ACC), established in 2014, had brought a number of cases against high-ranking officials. Following the 2021 coup, the military brought multiple corruption charges against Aung San Suu Kyi, including bribery; she has denied the charges, and no evidence was produced in trial hearings apart from witness statements. In December, the military regime brought a corruption charge against Win Myint.

Privatization of state-owned companies and other economic reforms in recent years have allegedly benefited family members and associates of military and government officials. After the February 2021 coup, the children of high-ranking military leaders allegedly attempted to use their connections to secure lucrative supply contracts and other kickbacks.

C3. Does the government operate with openness and transparency? 0 / 4 (-1)

After the Tatmadaw took power in 2021, the already limited transparency mechanisms of the previous government were dismantled; oversight by civil society groups and the media has been completely suppressed under military rule.

The military also owns an extensive network of “crony companies” whose revenues enable it to avoid accountability and public oversight and engage in human rights violations with impunity, according to a UN report released in 2019.

Score Change: The score declined from 1 to 0 because the military leadership further suppressed state and nonstate transparency mechanisms following the coup, including oversight by legislators, independent media, and civil society groups.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -4 / 0

The central authorities have long used violence, displacement, and other tactics to alter the demographics of states with ethnic unrest or insurgencies. The Rohingya in Rakhine State have faced particularly harsh restrictions for decades, including limits on family size and the ability and right to marry, the denial of legal status and social services, and disenfranchisement and loss of citizenship. Human rights experts and the United Nations have labeled the abuses against the Rohingya as crimes against humanity and ethnic cleansing, and many have argued that they constitute either genocide or a precursor to genocide.

In 2017, repression against the Rohingya escalated; military operations across the northern part of the state led to reports of torture, rape, indiscriminate killings, and the burning of villages, worsening already dire humanitarian conditions and causing 740,000 Rohingya refugees to join the 200,000 others already in Bangladesh. Aung San Suu Kyi, then head of state, did not explicitly acknowledge or condemn such organized official violence against Rohingya civilians; there has been little meaningful accountability for the atrocities. In 2020, the International Court of Justice (ICJ) ruled that mass human rights violations had been committed against the Rohingya and ordered the government to implement emergency measures to protect the group; proceedings at the ICJ continued in 2021.

Though the UN's Independent Investigative Mechanism for Myanmar (IIMM) continued to collect evidence and interview witnesses in 2021, the February 2021 coup and subsequent closure of the country limited international observers' access to Myanmar, further frustrating efforts to hold perpetrators accountable.

CIVIL LIBERTIES: 9 / 60 (-6)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16 (-2)

D1. Are there free and independent media? 1 / 4

Following the coup in 2021, the military seized control of state-owned broadcast media, took private broadcasters off the air, and severely restricted internet access, including access to social media platforms and news outlets. Licenses for several independent media organizations were rescinded in March. However, a number of independent media outlets continued to provide news coverage, operating in hiding and in exile.

In February, the military amended sections of the criminal code and the Electronic Transactions Law to include provisions criminalizing antiregime statements. Human rights groups have warned that the amendments disproportionately affect independent media outlets, and enable the regime to easily detain and prosecute journalists. Dozens of journalists have been forced to flee following the military's crackdown on press freedoms; according to the Committee to Protect Journalists (CPJ), more than 100 journalists were arrested in 2021. Though the regime released several journalists throughout the year, many of those jailed face criminal charges.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion, but also recognizes Christianity, Islam, Hinduism, and animism. The government occasionally interferes with religious assemblies and attempts to control the Buddhist clergy. Authorities discriminate against minority religious groups—particularly Muslims—in practice, refusing them permission to hold gatherings and restricting educational activities, proselytization, and construction and repair of houses of worship.

Anti-Muslim hate speech and discrimination have been amplified by social media, and by some state institutions and mainstream news websites. The officially illegal Buddha Dhamma Parahita Foundation, formerly known as Ma Ba Tha, agitates for the protection of Buddhist privileges, urges boycotts against Muslim-run businesses, and disseminates anti-Muslim propaganda. Muslims face systematic discrimination in obtaining identity cards, and “Muslim-free” villages have been established with the complicity of officials.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4 (-1)

Political activity on university campuses is generally restricted, and universities are not autonomous. Student unions—which have historically been important advocates for human rights—are discouraged, have no formal registration mechanisms, and are viewed with suspicion by authorities. A 2018 directive from the Ministry of Education required students to submit detailed information in order to get permission to hold events on campus.

University students and staff played a key role in antimilitary protests and strikes following the February 2021 coup; in March, the military stormed dozens of universities, seizing control of the campuses and arresting hundreds of students and faculty members. In May, more than 11,000 university staff were suspended for striking in protest against the

military coup, and those who were not suspended were pressured into declaring allegiance to the ruling junta.

Score Change: The score declined from 1 to 0 because universities were subjected to military raids and mass staff suspensions after students and faculty expressed opposition to the coup.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

Private discussion and personal expression—already constrained by state surveillance and laws inhibiting online speech—became more difficult following the 2021 coup. Upon taking power, the regime enacted sweeping revisions of existing legal code, removing several key human rights protections, including those against arbitrary surveillance. The legal reforms also included amendments to the penal code that severely curtailed freedom of expression. In March, the military banned the use of circumvention tools such as virtual private networks (VPNs) and other communications technology in an attempt to keep people from evading surveillance.

Hundreds of people were arrested and prosecuted under the revised legal code, usually for comments made online; hundreds of others have been forced into hiding or exile to avoid arrest, and a smaller number were killed in protests or targeted for attack.

Score Change: The score declined from 2 to 1 due to mass arrests of social media users and new restrictions on communications technology in the wake of the coup.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (-3)

E1. Is there freedom of assembly? 0 / 4 (-1)

Freedom of assembly has been increasingly restricted in recent years. A blanket ban on protests in 11 townships of central Yangon has been in place since 2017, and in 2020, an extended internet shutdown in parts of Rakhine and Chin states severely impeded activists' ability to organize protests. Unauthorized demonstrations are punishable with up to six months in prison under the Peaceful Assembly and Peaceful Procession Law; a variety of other vaguely defined violations can draw lesser penalties.

After the 2021 coup, freedom of assembly was violently curtailed in response to widespread antimilitary protests. Within a week of taking power, the military banned all gatherings of more than five people, imposed a strict curfew, and began using lethal and indiscriminate force against peaceful protesters. Widespread internet restrictions were also deployed to hinder the organization of protests. Military violence in response to protests continued throughout the year, resulting in the deaths of hundreds of protesters and the arrest of thousands more.

Score Change: The score declined from 1 to 0 due to the military's crackdown on protests following the coup, which included curfews, mass arrests, internet shutdowns, and the extensive use of lethal force.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4 (-1)

The ability of nongovernmental organizations (NGOs) to engage in human rights- and governance-related work significantly decreased after the 2021 military coup. Activists face arrest and prosecution, and many prominent activists have been forced to go into hiding or exile; in some cases, family members of activists have been arrested as a pressure tactic. In

March, the regime introduced new restrictions on NGO activity, including pausing all NGO registration and renewal processes, and began to heavily monitor NGO bank activity. NGOs were increasingly subject to harassment and interference by authorities throughout the year, and a large number of NGOs effectively shut down or disbanded. Despite such limitations, a number continue to quietly monitor human rights abuses and engage in advocacy with international stakeholders.

Score Change: The score declined from 2 to 1 because the military increased pressure on human rights activists following the coup, in part by detaining their family members, and the broader crisis obstructed the work of humanitarian organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (-1)

Union activity took root in Myanmar following the lifting of the ban on trade unions in 2011, despite weak legal protections for workers against abuse by employers. In 2021, unions played a leading role in organizing antimilitary protests and strikes immediately following the coup. In response, military authorities declared most unions illegal, and conducted violent raids and mass arrests in areas populated by striking union workers; the regime also threatened dozens of key leaders with arrest, causing many to flee. By June, thousands of civil servants and private sector employees had been fired for their participation in the widespread CDM.

Score Change: The score declined from 2 to 1 due to a wave of reprisals against unions that participated in civil disobedience actions, including bans, raids, dismissals, arrests, and extrajudicial killings.

F. RULE OF LAW: 0 / 16 (-1)

F1. Is there an independent judiciary? 0 / 4

The judiciary is not independent. Judges are nominated by the president, and lawmakers can reject the choice only if it is clearly proven that the nominee does not meet the legal qualifications for the post. The courts generally adjudicate cases in accordance with the government's interests, particularly in major cases with political implications.

Following the February 2021 coup, the military regime took control of Myanmar's judicial system.

F2. Does due process prevail in civil and criminal matters? 0 / 4 (-1)

Following the 2021 military coup, revisions to the criminal code and the imposition of an indefinite state of emergency allowed the regime to remove existing safeguards against arbitrary arrest and detention. In March, the Tatmadaw declared martial law in 11 townships of Yangon and Mandalay, enabling military tribunals to impose death sentences on civilians; by the end of 2021, military tribunals had sentenced more than 90 civilians to death.

The number of political prisoners rose dramatically in 2021; most were arrested while protesting, although dozens of prominent political leaders and several cultural figures were specifically targeted. According to the Assistance Association for Political Prisoners (AAPP), as of December 2021, 11,296 individuals had been arrested; an additional 1,964 arrest warrants remained open.

Score Change: The score declined from 1 to 0 due to the suspension of existing safeguards against abuse of power by security forces and the widespread use of arbitrary arrest and detention during the military coup and state of emergency.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The February 2021 military coup resulted in a sharp increase in civilian exposure to violence, armed conflict, and the illegitimate use of physical force. Indiscriminate shelling and aerial attacks, the destruction of villages, extrajudicial killings, forced disappearances, arbitrary detentions, torture, rape, and other abuses by the military escalated during 2021. In December, 40 civilians were burned alive by military forces in Kayah State.

Long-standing armed conflicts between ethnic rebel groups and the central government continued in 2021 in Shan, Kachin, Kayin, Chin, and Rakhine States. Even ethnically Bamar areas, particularly Sagaing Region and major urban centers including Yangon and Mandalay, experienced high levels of violent conflict between Tatmadaw forces and antimilitary protesters. Military attacks on peaceful protesters, including the use of lethal force, took place across the country; in response, civilian youth across the country formed armed people's defense forces (PDFs) that carried out guerilla attacks against military targets. After the NUG declared a "people's war" against the military in September, it engaged in efforts to coordinate among the shadow government, the PDFs, and ethnic rebel groups.

The number of displaced civilians increased throughout the year, with those displaced by earlier rounds of fighting in ethnic areas joined by those fleeing the newly installed military regime; between February and December, more than 400,000 civilians were displaced.

Prisons in Myanmar are severely overcrowded, and conditions for inmates are sometimes life-threatening. Following the coup, prison conditions further deteriorated, as numbers of detainees rapidly increased and grave abuses that had been prevalent during previous periods of military rule resurfaced. Sanitary conditions in prisons are extremely poor, and authorities have reportedly taken few measures to curb the spread of the COVID-19 virus within the prison system; in 2021, at least 12 inmates died after contracting COVID-19, and hundreds more tested positive for the virus.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Some of the country's worst human rights abuses, commonly committed by federal military troops, are against ethnic and religious minority populations. The government's failure to protect victims, conduct investigations, and punish perpetrators is well documented. The post-coup period in 2021 was characterized by further deterioration in the country's human rights situation and a lack of accountability for offenders.

Ethnic minority groups such as the Shan, Mon, Chin, Karen, and Kachin, as well as non-Rohingya Muslims, also face some societal discrimination, while the ethnic Bamar, Buddhist majority retains a privileged position.

In addition to conflict-related violence, women are subject to discrimination in employment, against which there are no explicit legal protections. A number of laws create a hostile environment for LGBT+ residents. Same-sex sexual activity is criminalized, and police reportedly harass, extort, and physically and sexually abuse LGBT+ people.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Prior to 2021, freedom of internal travel for Myanmar citizens was generally respected outside of conflict zones. However, after the coup in February 2021, movement was increasingly restricted across the country. The military erected road blocks and checkpoints;

enforced exit controls, curfews, and residency rules for private dwellings that require reporting overnight guests; engaged in violent raids of neighborhoods and villages; and regularly responded with disproportionate force to ongoing civic action. Some high-profile dissidents were arrested as they attempted to leave Myanmar by air, while thousands more have fled to neighboring countries by land despite the dangers posed by military forces.

Additionally, Myanmar's large population of stateless residents remain subject to significant restrictions on their movement, particularly the 600,000 Rohingya who remain in Rakhine State and are confined to designated camps and villages; those who attempt to travel outside these areas are regularly arrested and detained.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Disputes over land grabbing and business projects that violate human rights are common. Myanmar's property-transfer laws prohibit transfers to or from a foreigner except in certain state-approved cases of inheritance, and require registration of foreign-owned property. Stateless residents, including the Rohingya, cannot legally buy or sell property or set up a business.

Instances of forced eviction and displacement, confiscation, lack of sufficient compensation, and direct violence against landholders by state security officials abound. Court cases are frequently brought against farmers for trespassing on land that was taken from them. The resumption of armed hostilities following the coup led to military attacks and arbitrary destruction of property—including entire villages—in 2021.

Multiple sources continued to report that Rohingya land and property have been razed, confiscated, appropriated, or built on, often with the direct involvement of the military, and sometimes under the guise of development assistance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Men and women formally enjoy equal rights on personal status issues, though there are restrictions on marriages of Buddhist women to non-Buddhist men. Laws that might protect women from domestic abuse and rape are weak and poorly enforced, and such violence is an acute and persistent problem. The army has a record of using rape as a weapon of war against ethnic minority women, and security personnel typically enjoy impunity for sexual violence. Following the 2021 coup, numerous instances of gender-based violence were reported by detainees.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Human trafficking, forced labor, child labor, and the recruitment of child soldiers are serious problems in Myanmar. Child soldiers are enlisted by the military and ethnic rebel groups, which also recruit civilians for forced labor. Various commercial and other interests continue to use forced labor despite a formal ban on the practice. Trafficking victims include women and girls subjected to forced sex work and domestic servitude, as well as women who are sold as brides to men in China—an expanding practice in some ethnic minority states. People displaced by ongoing conflicts are especially vulnerable to sexual and labor exploitation.

Namibia

Population: 2,600,000

Capital: Windhoek

Freedom Status: Free

Electoral Democracy: Yes

Overview: While Namibia is a multiparty democracy, the South West Africa People's Organisation (SWAPO) has ruled since independence. Protections for civil liberties are generally robust. Minority ethnic groups accuse the government of favoring the majority Ovambo in allocating services. The nomadic San people suffer from poverty and marginalization. Other human rights concerns include police brutality, the criminalization of same-sex sexual relations, and discrimination against women.

KEY DEVELOPMENTS IN 2021

- In September, the Electoral Court ordered a recount of the 2020 regional elections for the Ndonga Linena constituency, following complaints from the losing party. Though SWAPO, which initially had won the election, also won the recount, in October, President Hage Geingob encouraged SWAPO supporters to retaliate against the Electoral Commission of Namibia (ECN) for permitting the rejection of the initial results.
- In July, SWAPO pushed through appointments for the leadership of the Anti-Corruption Commission (ACC) and the ECN during brief windows of time between COVID-19-related suspensions of parliamentary sessions. Opposition parties claimed the appointments were performed illegally, though their August bid for the High Court overturn them failed.

POLITICAL RIGHTS: 31 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is both chief of state and head of government and is directly elected for up to two five-year terms. In 2019, Hage Geingob of the South West Africa People's Organisation (SWAPO) was reelected with 56.3 percent of the vote. While international observers deemed polls peaceful and credible, concerns were raised about the lack of verifiable paper trail, long waiting times, and delays in the counting and release of results.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The National Council, the upper chamber of the bicameral parliament, has 42 seats, with members appointed by regional councils for six-year terms. The lower house, the National Assembly, has 96 seats filled by popular election for five-year terms using party-list proportional representation.

SWAPO won a lower-house majority of 63 seats (65.5 percent of the vote) in the 2019 elections. The Popular Democratic Movement (PDM) won 16 seats, while the Landless People's Movement (LPM) won 4. International observers considered the polls competitive and credible, though concerns were raised about several aspects of the electoral process.

SWAPO also won a majority of votes cast in the regional elections were in November 2020. In December 2020, the Electoral Court accepted a motion from the ECN to reject some results due to some irregularities flagged by the opposition All People's Party (APP) and ordered a recount in September 2021 for the Ndonga Linena constituency. The SWAPO candidate won the recount. In October 2021, President Geingob encouraged party supporters to retaliate against the ECN for permitting the rejection of the initial results.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The electoral framework is robust and generally well implemented. However, political parties fail to follow financial transparency rules. The controversy around the use of electronic machines dominated the 2019 elections, with some party leaders expressing doubt about the results for want of a verifiable paper trail. The polls were declared free and fair by the Commonwealth Observer Group and the South African Development Community, although they raised concerns over other aspects of the electoral process.

The use of electronic voting machines without paper trails was ruled invalid in February 2020. In July 2020, the High Court ruled that the ECN acted unconstitutionally when it removed names from a PDM candidate list.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties may form and operate freely. Registration requirements are not onerous and there were no time limits for parties wishing to register and participate in the 2019 elections. However, candidate-registration fees and campaign financing can place an undue burden on smaller parties. Parties that hold parliamentary seats receive annual public support based on parliamentary representation, which disproportionately benefits SWAPO. Small parties lack financial resources or broad nationwide membership bases, impeding their ability to mobilize support.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties may freely compete in elections and generally do not encounter intimidation or harassment during election campaigns. Although opposition parties have historically been regarded as weak and fragmented, they gained several seats in the 2019 elections, dislodging SWAPO from the two-thirds majority it held since 2014. Eleven of the 15 parties that registered for the 2019 parliamentary elections secured seats. Opposition parties also did well in the November 2020 local and regional elections, though only six parties won regional seats.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People are generally able to express their political choices without undue influence from external actors, including the church and traditional leaders. However, the historic domination of SWAPO—an ideologically diverse party that often faces intraparty disputes—limits voters' ability to directly express a preference for particular policies.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution guarantees political rights for all, and the government works to uphold these rights in practice. Namibia has made great strides in increasing parliamentary representation of women, who hold 46 National Assembly seats. Nevertheless, women are often discouraged from running for office and few contested the November 2020 regional and local elections.

Almost all ethnic groups are represented in the parliament and in senior political positions. However, members of the San ethnic group have faced restrictions on their political rights due to widespread discrimination and marginalization. LGBT+ people face discrimination that hampers their ability to openly advocate for their interests. In May 2021, Ephraim Nekongo, secretary of SWAPO's youth wing, used derogatory language against LGBT+ people in a statement to party members, reprimanding those who entertained legislation to increase LGBT+ rights.

C. FUNCTIONING OF GOVERNMENT: 8 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The democratically elected government freely determines policies. However, 2014 reforms increased executive power, including by adding parliamentarians who are appointed by the president and by limiting the National Council's power to review certain bills. Concerns have grown over the Chinese Communist Party's influence and ties to Namibian political elites.

The government suspended parliamentary sessions during parts of 2020 and 2021 due to the COVID-19 pandemic. In July 2021, SWAPO pushed through appointments for the leadership of the Anti-Corruption Commission (ACC) and the ECN during brief windows of time when Parliament was not suspended. Opposition parties claimed the appointments were performed illegally, though their August bid for the High Court overturn the appointments failed.

C2. Are safeguards against official corruption strong and effective? 3 / 4

While Namibia has a sound legal anticorruption framework, concerns remain that anticorruption laws are inconsistently enforced, and difficulties in accessing government-held information present barriers to gathering evidence. The Witness Protection Act and the Whistleblower Protection Act, signed in 2017, have not been enforced.

Light sentences in high-profile cases and low prosecution and conviction rates undermine the work of the ACC, which is also underfunded. In July 2021, the National Assembly approved the president's extension of the ACC head, Paulus Noa, for another five years, a decision criticized by those who believe that his 15-year tenure has been largely ineffective. The appointment process also lacked transparency. In April 2021, it was reported that the ACC was investigating 20 high-profile cases, including what has become known as the Fishrot corruption scandal.

The government's purchase of two farms from the prime minister in 2020 at an allegedly inflated price came under intense scrutiny in April 2021.

C3. Does the government operate with openness and transparency? 2 / 4

Namibia lacks access-to-information laws, despite government promises to finalize this legislation, which was resubmitted to the National Assembly in September 2021 but was

not passed by year's end. According to a September 2020 report from the Media Institute of Southern Africa, Namibian government agencies denied some requests for information in 2020, citing the COVID-19 pandemic. A report on ancestral land issues submitted to the president in 2020 was leaked online in January 2021 after the government failed to release it.

A veil of secrecy exists over the extractive industry, military spending, statehouse upgrades, state security infrastructure, and private funding of political parties. The government budget process also lacks transparency.

CIVIL LIBERTIES: 46 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

The constitution guarantees media freedom and freedom of expression. In practice, journalists face few legal restrictions and generally work without risking their personal safety. While self-censorship is common in state media, private media remain critical of the government. The absence of information laws obstructs investigative journalism and was on Parliament's 2021 agenda. Journalists have faced impediments during the COVID-19 pandemic. In September 2021, the labor minister, Utoni Nujoma, filed a defamation suit against the owners of the weekly *Windhoek Observer* and its editor over a 2019 article alleging he had extorted money from a farmer in 2017 and 2018.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is guaranteed by law and generally respected in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is legally guaranteed and generally observed in practice. However, Namibia lacks cyber-harassment or data-protection legislation. The government reportedly maintains significant capabilities to conduct surveillance on citizens, which may discourage people from expressing dissent. In March 2021, the government published new regulations of the 2009 Communications Act that would enable interception of telecommunications by national intelligence and the police. Defamation laws may also discourage free speech.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is legally guaranteed and is usually observed in practice. Though restrictions on public gatherings were imposed during the government's state of emergency to address the coronavirus, several protests took place during 2021. In September, about 300 protesters stormed Parliament ahead of a scheduled vote on a \$1 billion compensation offer from Germany for genocide committed against the Herero and Nama people during colonial rule.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Human rights groups generally operate without interference, though government leaders sometimes use public platforms against civil society.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Constitutionally guaranteed union rights are respected and observed in practice, though essential public-sector workers do not have the right to strike. Collective bargaining is not widely practiced outside the public-service sector and the mining, construction, and agriculture industries. Union membership has declined in recent years, with 25 percent of the labor force unionized.

Reports of unfair labor practices and the firing of union leaders by a state-owned Chinese company, China National Nuclear Corporation Rössing Uranium (CNNC RUL), led to an international solidarity campaign on behalf of the Namibian miners.

F. RULE OF LAW: 11 / 16**F1. Is there an independent judiciary? 3 / 4**

By law and in practice, the separation of powers is observed, and judges are not frequently subject to undue influence. However, the judiciary lacks adequate resources and is vulnerable to budget cuts. Judges are appointed by the president upon the recommendation of the Judicial Service Commission, which the president has some influence over. Public access to court documents and proceedings has been restricted in recent years; in 2019, documents implicating the president and justice minister in a fraud case were kept out of public view by a court ruling.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The rule of law and fair-trial rights are constitutionally protected, though equal access to justice is obstructed by factors including economic and geographic barriers, a shortage of public defenders, a lack of resources, and case backlogs. In October 2021, the High Court overturned a 2018 corruption indictment of two men, including National Assembly member Tobie Aupindi, on the grounds that they did not receive a fair trial. A September 2021 auditor general report for 2014–18 revealed that only 8,172 cases were finalized and 29,608 were pending.

Some cases were postponed, and services were severely affected in lower courts due to government-imposed public health restrictions intended to curb the spread of COVID-19.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Namibia is free from war and insurgencies. However, police brutality and the abuse of suspects in custody are problems. There is no independent police oversight mechanism as investigations are conducted by an Internal Investigation Directorate.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

While the constitution prohibits discrimination, challenges remain. The San people face widespread discrimination and marginalization and lack land access. In October 2021, Amnesty International issued a report condemning the government's "rampant discrimination" against the San communities in the Omaheke and Otjozondjupa regions.

Same-sex sexual relations remain criminalized, though the prohibition is not enforced. LGBT+ people, people living with disabilities, and women face widespread discrimination. In October 2020, an organization representing members of the Baster and Zambesi groups noted widespread discrimination in a report to the Office of the UN High Commissioner for Human Rights (OHCHR).

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement is constitutionally guaranteed and generally observed in practice. However, it was restricted when authorities imposed COVID-19-related restrictions when a state of emergency was declared in March 2020.

The illegal fencing of communal land, condemned by the Commission of Inquiry into Ancestral Land Rights in January 2021, and its impact on freedom of movement and access to resources found in communal areas remains a challenge.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Private property rights are guaranteed in law and largely respected in practice. The constitution prohibits expropriation without compensation. There are no legal barriers to women's access to land. However, customs regarding inheritance procedures and property rights limit women.

Land rights remain a contentious and unresolved issue. The Commission of Inquiry into Ancestral Land Rights and Restitution presented its report to President Geingob in July 2020. That April, the Indigenous Hai//om group sued the government in an effort to gain recognition for its ancestral rights to land in the Etosha National Park; the case had not been resolved by the end of 2021.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Same-sex marriages are not recognized, and many churches have in the past indicated their unwillingness to recognize or perform them. Legal challenges from people in same-sex partnerships exist in the courts, seeking either residency permits or recognition of their marriages. In April 2021, a court refused to grant a same-sex couple travel documents for their twin surrogate daughters, who were born in South Africa, and asked them to prove a biological link to the children. The government issued emergency travel documents for the children to enter Namibia in May.

Rates of gender-based violence and rape of minors are high. Abortion is only available for those in medical danger and for survivors of rape and incest. Forced and child marriages occur; 7 percent of girls are married before turning 18.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Slavery and servitude are constitutionally outlawed. However, forced child labor is prevalent in the agricultural sector and in domestic settings. San and Zemba children are especially at risk. The US State Department reported in its 2021 *Trafficking in Persons Report* that Namibia fully met antitrafficking standards.

Nauru

Population: 10,000

Capital: Yaren District

Freedom Status: Free

Electoral Democracy: Yes

Overview: People in Nauru generally enjoy political rights and civil liberties, though the government has taken steps to sideline its political opponents—particularly the Nauru 19, a group of activists who had been charged with a variety of crimes in connection with a 2015 antigovernment protest. Corruption is an ongoing challenge. Asylum seekers and refugees housed in Nauru under an agreement with Australia live in dire conditions, and the country has attracted sustained international criticism over the persistent reports of abuses against them.

KEY DEVELOPMENTS IN 2021

- As of August, 398 asylum seekers had been resettled from Nauru to the United States. In October 2020, the United States had agreed to resettle over 1,100 asylum seekers who were in the Nauru and Papua New Guinea processing centers by early 2021.
- In February, the University of the South Pacific, a regional university with campuses on many Pacific Island countries, including Nauru, removed vice-chancellor and president Pal Ahluwalia from his post and deported him from Fiji, the site of the university's headquarters. Ahluwalia had reported on financial mismanagement at the university. After accepting a temporary post at the Nauru campus of the university that same month, Ahluwalia was reinstated by the university's council in August.

POLITICAL RIGHTS: 34 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Nauru is a parliamentary republic, and the parliament chooses the president and vice president from among its members.

In the August 2019 parliamentary elections, which were independently monitored by the Pacific Islands Forum, incumbent president Baron Waqa lost reelection in his constituency, and thus the opportunity to be reelected president. Lionel Aingimea was subsequently chosen to be president, winning with 12 votes to 6 over rival David Adeang.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 19-member unicameral Parliament is popularly elected from eight constituencies for three-year terms. In the 2019 parliamentary elections, observed by the Pacific Islands Forum monitoring mission, then-president Waqa was accused of manipulating the electoral rolls by granting citizenship to around 118 foreigners. However, the 2019 elections were generally regarded as free and fair, and Waqa did not win reelection.

In 2019, former president Waqa proposed changing the constitution to extend representatives' terms to four years, although no such changes were made by the end of 2021.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral laws are generally fair and implemented impartially. The Nauru Electoral Commission is responsible for managing the entire election process. Voting is compulsory.

In the August 2019 elections, a recount was conducted for the Ubenide electorate after six paper ballots were discovered in the parliamentary chamber. The recount did not change the outcome of the election, and there was no evident manipulation of the initial tally.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Although political parties are permitted, most candidates run as independents.

A contempt-of-court law enacted in 2018 was criticized as being designed to intimidate opposition figures and others who supported the Nauru 19 activist group. Members of that group faced prosecution, though official interference into their lives reportedly eased in 2019. President Aingimea denied that the government had ever taken steps to prevent them from traveling or gaining employment.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Intense political rivalries created political instability prior to 2013. However, former president Waqa served two full terms before losing his seat as a representative and being replaced by Lionel Aingimea in 2019.

The 2019 elections also featured significant turnover of representatives, with about half of incumbents losing their seats in parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by powerful interests that are not democratically accountable. In 2019, a former representative alleged that bribery was rife in the electoral process, claiming that candidates routinely buy motorcycles and kitchenware for constituents.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The constitution provides for universal suffrage. However, widely held biases regarding the role of women in society have discouraged women's participation in politics and elections; just two women won seats in Parliament in 2019, one of whom was an incumbent. Including those two representatives, only three women have been elected in Nauru's modern history.

C. FUNCTIONING OF GOVERNMENT: 8 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The freely elected parliament, led by the speaker, sets and makes policy. However, the Australian government has had considerable influence over politics due to the processing center for asylum seekers they base on Nauru. Australian authorities have detained many refugees on the island indefinitely, a significant source of income for Nauru's government. In September 2021, the Nauruan government signed a memorandum of understanding (MOU) with Australia to indefinitely maintain operations of the immigration detention center on the island. The Australian government's budget for fiscal year 2021–22 included AUD \$513.6 million (US\$385.5 million) for the "provision of welfare and garrison services" on Nauru. In February 2021, Nauru announced its intentions to leave the Pacific Islands Forum (PIF), after tensions grew over the appointment of a new general secretary. The PIF maintained significant influence over government policy and processes.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption remains a problem. Allegations of improper payments to senior government officials, including former President Waqa, by an Australian phosphate company emerged in 2016. In June 2021, reports emerged that in February 2020, Australian authorities had officially charged the company at the center of the allegations with conspiracy to bribe a foreign public official; proceedings were ongoing at the end of 2021. Legal proceedings related to the scandal also took place in Singapore in 2018, where a local company was fined for bribing a member of Nauru's Parliament.

The Australian Broadcasting Corporation (ABC) reported in 2018 that many family members of Nauruan politicians owned shares of the land where the Australian-run processing center is situated; they disproportionately benefit from their ability to collect high rents or secure high-paying jobs or other contracts at the center. These concerns were echoed by former president Sprent Dabwido, who claimed in 2019 that offshore processing of asylum seekers had led to a vast amount of corruption.

C3. Does the government operate with openness and transparency? 2 / 4

Nauru lacks a law on access to public information, but the Government Information Office releases some budget figures. Government officials are not required to disclose financial information.

CIVIL LIBERTIES: 43 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 2 / 4**

Freedom of expression is constitutionally guaranteed but not always respected in practice. Foreign journalists have a particularly difficult time operating in Nauru, as the government has implemented restrictions that appear to be aimed at deterring outside coverage of conditions for asylum seekers and refugees. Since 2014, foreign journalists have been subject to a visa application fee of roughly AUD \$8,000 (\$5,500), up from approximately AUD \$150 (\$103) previously. The media visa fee remained unchanged at the end of 2021.

The 2016 Crimes Act introduced criminal charges for defamation, now punishable with up to three years in prison. Similarly, the Administration of Justice Act, a contempt-of-court law passed in 2018, serves as a deterrent for journalists to publish pieces critical of the government and the judiciary.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of religion, which the government generally respects in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

Reports emerged in 2020 that the University of the South Pacific, a regional university with campuses located in various countries in the South Pacific including Nauru, was plagued by allegations of corruption. In February 2021, the university's vice-chancellor and president, Pal Ahluwalia, was removed from his post and deported from Fiji, the site of the university's headquarters, after reporting on financial mismanagement at the university. After accepting a temporary post at the Nauru campus of the university at Aingimea's

invitation that same month, Ahluwalia was ultimately reinstated by the university's council in August 2021.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Authorities are not known to illegally monitor private online communications. In June 2020, the president presented the National Disaster Risk Management (Amendment) Bill 2020, which outlawed publishing or posting messages on social or mass media that are intended to cause fear, mislead the public, or distort official information, with severe punishments. The new law also expands police powers to act in a national disaster without a warrant. How the new law will be applied and what level of oversight will be exercised was unclear at the end of 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution upholds the right to assemble peacefully, but this right has not always been respected in practice. Demonstrations related to the treatment of asylum seekers housed at the Australian processing center are often repressed. Members of the Nauru 19 group, who were arrested for their 2015 antigovernment protests, were sentenced to jail time in December 2019.

Failure to adhere to public gather restrictions that were introduced to curtail the spread of COVID-19, including social distancing regulations, can result in hefty fines of up to AUD \$5,000 (\$3,438) or imprisonment. The COVID-19 state of emergency, first declared in March 2020, remained in force throughout 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

There are no legal restrictions on the formation of nongovernmental organizations (NGOs) in Nauru. There are several advocacy groups for women, as well as development-focused and religious organizations. However, authorities have interfered with the operations of activists seeking to improve the treatment of asylum seekers.

In late 2020, the Nauruan parliament passed the Registration of Associations Act, which provides official recognition of domestic and foreign NGOs, including provisions allowing registered associations to own property and sue or be sued. Eligible organizations are required to register prior to commencing their operations, and the Registrar must provide reasons for decisions such as refusing or canceling registration.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

There are no formal trade unions and only limited labor protection laws, partly because there is little large-scale private employment. The rights to strike and to collectively bargain are not protected by law. Trade unions were expressly excluded from the Registration of Associations Act of 2020, meaning they do not enjoy the benefits provided by the Act, including property rights.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

There have been concerns about undue influence on the judiciary from government officials, who have been accused of dismissing judges for unfavorable rulings. Many are

concerned that government officials have pressured the judiciary in connection with the Nauru 19 case.

The Supreme Court is the highest authority on constitutional issues in Nauru. Appeals had previously been heard in the high court of Australia, but in 2018, Nauruan Justice Minister David Adeang announced that the country would sever links with Australia's justice system, citing both onerous costs associated with case proceedings in another country and the need for Nauru to establish greater independence. However, some skeptics viewed the development as a means of denying members of the Nauru 19 activist group an avenue to appeal their cases. Nauru later signed memoranda with neighboring Pacific countries, including Papua New Guinea, Kiribati, Solomon Islands, and Vanuatu, to provide justices for Nauru's new Court of Appeals.

The Nauruan government has been accused of interfering with the judicial process and undermining the rule of law. The 2018 contempt-of-court law outlaws criticism of witnesses, judicial officers, or legal representatives in a pending court matter, as well as undermining judicial officials or the authority of courts. Violations of the law, which contains exemptions for government officials deemed to be acting in good faith or the interests of national security, are punishable by fines of up to AUD \$20,000 (\$15,469) for individuals and AUD \$50,000 (\$38,673) for corporations.

Australian Supreme Court Justice Geoffrey Muecke claimed the government terminated his contract as a result of his granting a permanent stay in 2018 for the Nauru 19 court proceedings. He claimed the government also pressured the sentencing magistrate to issue maximum penalties to members of the group. In 2019, the Nauru government accused supporters of the Nauru 19 of being in contempt of court, while Nauru's chief justice insisted that the government had not interfered in the proceedings. President Aingimea claimed that neither he nor the preceding government had interfered with the judiciary's independence. The members of the Nauru 19 were ultimately convicted and sentenced to jail time in 2019. As a result of the events surrounding the Nauru 19 case, the New Zealand government withdrew its financial support of the Nauruan judiciary.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Though the constitution provides for due process rights, the resumption of legal proceedings against members of the Nauru 19 as well as changes to the appellate jurisdiction indicate that due process is not always respected in practice.

In 2017, the government passed a law that distinguishes between public servants who testify in favor of the government or against it. Analysts said it appeared that those who miss work to testify against the government would be placed on leave without pay, and that the law appeared to represent an attempt to discourage civil servants from testifying in favor of the Nauru 19.

Legal proceedings against the Nauru 19, which had been permanently stayed in 2018 by Justice Muecke, were renewed after the stay was overturned by the Nauru Appeals Court in 2019. Muecke had been fired after granting the stays. The members of the Nauru 19 were sentenced to jail time in December 2019.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Civilian authorities control the small police force. Nauru has no armed forces; Australia provides defense assistance under an informal agreement.

The Australian processing center for asylum seekers has received considerable international criticism for poor treatment of asylum seekers housed there. Few arrests have been made in connection with alleged abuses of its residents.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution provides for equal treatment regardless of race, country of origin, ethnicity, politics, or gender, but those rights are not always protected in practice. There are few legal protections against discrimination, which is notably a problem for women in the workplace. In 2016, the government decriminalized same-sex sexual relations, which had previously been punishable by up to 14 years of hard labor.

Several reports have detailed widespread abuse of refugees and asylum seekers forcibly transferred to Nauru under its agreement with Australia. Crimes committed against asylum seekers outside the processing center, where most refugees are housed, frequently go uninvestigated. The asylum seekers suffer from grossly inadequate housing; denial of health care for life-threatening conditions; and a high rate of self-harm attempts among residents—who wait, at times, for years for their asylum applications to be processed. Rates of self-harm among refugees was found to be 200 times more likely than that of Australian citizens. Thoughts of self-harm among children were particularly alarming, and reports of this mental health issue were ignored by authorities. The last children were evacuated from Nauru and resettled in the United States in 2019. Reports from the Australian Broadcasting Corporation (ABC) that year found that refugees had been exposed to asbestos for prolonged periods. In November 2019, the Nauruan government denied the medical evacuation of over 20 individuals, all of whom had been vouched for by Australian doctors.

In October 2020, the United States agreed to resettle over 1,100 asylum seekers who were in the Nauru and Papua New Guinea processing centers by early 2021. As of August 2021, 398 asylum seekers had been resettled from Nauru to the United States. As of October, 108 asylum seekers transferred to Nauru from Australia remained in the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Most people in Nauru are free to move around the island. However, while asylum seekers were granted freedom of movement across the island in 2015, there are limits on their ability to leave, and they face significant difficulties in obtaining employment and education. Many asylum seekers had lived in tents and converted storage containers at the Australian processing center, where they were under heavy surveillance. In 2018, the aid group Doctors Without Borders (MSF) was asked by Nauru officials to stop providing care for asylum seekers, and the group subsequently left the country. In the days afterward, MSF condemned conditions for the asylum seekers and refugees in Nauru and claimed they had been forced out.

The government has withheld the passports of some political opponents in recent years, including at least three people associated with the Nauru 19, among them two former opposition lawmakers. These two opposition lawmakers blame the government for the death of former president and Nauru 19 member Sprent Dabwido. Legal action, filed in July 2019 by the two former lawmakers, claims that the Nauruan government delayed in returning Dabwido his passport, preventing him from receiving treatment for cancer in Australia in time to be cured.

To prevent the introduction of COVID-19 into the country, Nauruan stopped most international flights landing in Nauru in March 2020 and imposed quarantine requirements for most international arrivals, except for those arriving from a regularly updated list of “safe countries” deemed to have sufficiently low levels of COVID-19 in their respective populations. Other movement restrictions, including curfews, were enforced with strict punishments.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The constitution protects the right to own property and people in Nauru are able to freely establish businesses. However, as of 2014, foreigners must pay approximately AUD \$6,000 (\$4,500) a year for a business visa, up from AUD \$400 (\$300).

In his ruling on the Nauru 19 case, Judge Muecke said that the government of Nauru maintained an unwritten blacklist under which the Nauru 19 were denied employment and the right to conduct business on the island.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Domestic violence, which mostly affects women, remains a serious problem, and children are also vulnerable to violence. However, authorities have taken some efforts to address these problems, notably by approving the new protections within the 2017 Domestic Violence and Family Protection Bill, and the 2016 Child Protection and Welfare Act. In 2020, the government simplified the process for victims of domestic violence to obtain safety and protection orders against their abusers. Marital rape was also made a criminal offense in 2016. In June 2020, the government of Nauru announced that it would introduce harsher laws for sex offenders, including by reducing the ability of sex offenders to receive bail and introducing laws that prevent the age of the perpetrator a mitigating factor in sex offences.

Same-sex marriage is not recognized by law. Abortion is only allowed when the mother's life is in danger, but not in cases of rape, which was a point of controversy after an asylum seeker was raped in in 2016 in the Australian processing center.

In response to international pressure, the government of Nauru had committed to establishing a national human rights institution, though none had been set up as of 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

With the exception of asylum seekers, individuals generally enjoy equal economic opportunities. However, economic opportunities are limited to sectors such as phosphate mining and the public sector.

There are no health and safety laws to protect workers outside the public sector, and issues relating to dust exposure for phosphate miners are of serious concern. According to the US State Department, there have been no reports of human trafficking in Nauru in recent years.

Nepal

Population: 30,400,000

Capital: Kathmandu

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Since the end of a decade-long civil war in 2006, Nepal has held a series of competitive elections and adopted a permanent constitution. As politics have stabilized, pressure on journalists has decreased, and authorities have been more tolerant of peaceful assembly. However, corruption remains endemic in politics, the government, and the judicial system. Other problems include gender-based violence, underage marriage, and bonded labor. Transitional justice bodies have struggled to fulfill their mandates.

KEY DEVELOPMENTS IN 2021

- The Supreme Court twice served as an effective check against the executive in February and July, when the court reinstated the parliament after former prime minister Khadga Prasad Sharma Oli dissolved the body in December 2020 and May 2021. The court subsequently appointed Sher Bahadur Deuba as prime minister in July, after Oli was forced out of office.
- The Nepal Communist Party (NCP), dissolved in March after it underwent an internal split in 2020 based on disagreements between former prime minister Oli and former rebel leader Pushpa Kamal Dahal, better known as Prachanda. The Supreme Court ruled that month that the name of the NCP had already been in use before the two parties merged, which invalidated the party's registration and forced the reemergence of the two distinct parties.

POLITICAL RIGHTS: 25 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is the head of state and is elected to up to two five-year terms by a parliamentary electoral college and state assemblies. The prime minister is elected by the parliament. The legitimacy of executive office holders is largely determined by the conduct of legislative and provincial elections.

Sher Bahadur Deuba was sworn in as prime minister in July 2021. He was appointed following a Supreme Court decision that reinstated the parliament for the second time that year—former prime minister Oli dissolved the body in December 2020 and May 2021, causing a constitutional crisis.

The current president, Bidhya Devi Bhandari, was reelected in March 2018.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 275-seat House of Representatives are elected to five-year terms; 165 are directly elected in single-seat constituencies, while 110 are elected by proportional representation. The National Assembly has 59 members; 56 are indirectly elected to six-year terms by an electoral college comprised of provincial and local leaders, while 3 are appointed by the president on the government's recommendation.

Elections were held for 18 National Assembly seats in January 2020. The Nepal Communist Party (NCP), the product of a 2018 merger between the Communist Party of Nepal—Unified Marxist-Leninist (CPN-UML) and the Communist Party of Nepal—Maoist (UCPN-M) parties, won 16 seats, while the Rastriya Janata Party-Nepal (RJP-N) won the other 2. In late 2020 and in May 2021, former prime minister Oli's control over his party diminished and he dissolved the parliament in a bid to hold on to power through new elections. In July, the Supreme Court restored the National Assembly, and legitimately elected representatives remained in power.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The legal framework for elections is sound and facilitates the conduct of credible polls. Though the parliament has yet to address grievances regarding province demarcation and proportional representation based on population, current institutions and province boundaries have stabilized and most stakeholders seem to accept them. Nepal's Election Commission generally conducts fair and credible contests.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties are generally free to form and operate. Opposition figures do sometimes face arrest. Alliance for Independent Madhesh (AIM) leader CK Raut was arrested in 2018 on charges of disturbing law and order and voicing views against the state but was released in 2019 after agreeing to refrain from supporting an independent Madhesi state. The AIM—renamed the Janamat (Mandate) Party—endorsed Raut's agreement.

The 2018 alliance between the UCPN-M and the CPN-UML, which merged to form the NCP, dissolved in 2021, after the NCP underwent an internal split in 2020 based on disagreements between former prime minister and CPN-UML leader Oli and former rebel leader Dahal, better known as Prachanda, of the UCPN-M. In March, the Supreme Court ruled that the name of the NCP had already been in use before the two parties merged, invalidating the current NCP's registration and forcing the reemergence of the two distinct parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have a realistic chance of gaining power through elections. The CPN-UML, then in opposition, won the 2017 elections. Smaller opposition parties have difficulty gaining power at the national level, partly due to a 3 percent threshold for proportional representation in the lower house, and thus perform better at the local level. However, the March 2021 dissolution of the NCP may open up the competitiveness of national elections for smaller parties, which will be able to form alliances.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Nepalis' ability to freely exercise their political choices is occasionally limited by sporadic outbursts of political violence, as well as by security agents who have cracked down on political demonstrations. Vote buying has been reported in recent elections.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Though the constitution has requirements for women and minority participation in the legislature, social discrimination continues to hinder their political involvement. A limited definition of citizenship disenfranchises stateless people. Bidhya Bhandari is the first woman to be president in the country, and women comprise 32.7 percent of lower-house; however, few hold senior political positions.

Indigenous Nepalis and members of the Dalit group are underrepresented in politics and in civil service, despite policies meant to bolster their participation. Members of the Chhettri and Hill Brahmin groups, meanwhile, remain relatively overrepresented.

C. FUNCTIONING OF GOVERNMENT: 5 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Nepal ratified a new constitution in 2015, an important step in its democratic transition. Successful elections were held in 2017 and 2020, though representative rule is not fully consolidated. In December 2020 and May 2021, former prime minister Oli twice dismissed parliament and called for new elections. However, the Supreme Court in both instances restored freely elected representatives to office.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is endemic in Nepali politics/government and often goes unpunished. Corruption by officials has often obstructed the delivery of foreign aid. However, aid related to the COVID-19 pandemic has seen fewer incursions by corrupt actors, even if politically connected elites were able to access vaccines and hospital beds more readily than the general public.

The top Nepali anticorruption agency, the Commission for Investigation of Abuse of Authority (CIAA) has been more active in recent years. However, the CIAA has been accused of excessively focusing on low-level cases; in July 2020, a special court posthumously acquitted a tax official accused of accepting a 1,000-rupee (\$9) bribe. The official died by suicide in 2019, after release from CIAA custody.

C3. Does the government operate with openness and transparency? 1 / 4

The government generally operates with opacity. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), among others, have been criticized for lack of transparency. Mechanisms for utilizing the 2007 Right to Information Act are poorly defined, and the law remains inconsistently enforced.

CIVIL LIBERTIES: 32 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16****D1. Are there free and independent media? 2 / 4**

The 2015 constitution guarantees freedom of expression and prohibits prior restraints on press freedom, though these rules can be suspended in a national emergency, and future press restraints for national security reasons are allowed.

In 2021, the parliament continued to consider draft laws introduced in 2019, including an Information Technology Bill to replace the National Transaction Act (NTA), which was intended to fight cybercrime but has been used to target journalists and artists. Other draft laws brought forward that year, including a Media Council Bill and a Mass Communications Bill, would create a new media regulator.

Journalists reporting on the COVID-19 pandemic have faced harassment and detention over their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The 2015 constitution identifies Nepal as secular, signaling a break with the Hindu monarchy that was toppled after the 1996–2006 civil war and formally abolished in 2008. Religious freedom is constitutionally protected, and tolerance is broadly practiced, though some religious minorities occasionally report harassment. Muslims in Nepal are particularly

impoverished, occupying a marginalized space. Proselytizing is prohibited under a 2017 law, and some Christians have been prosecuted under this law.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government does not restrict academic freedom. Much scholarly activity takes place freely, including on political topics. Authorities exercise some control over the primary education curriculum but have relatively little over universities. Neither professors nor students face repercussions for political speech, and peaceful campus protests are tolerated. However, student unions affiliated with major political parties sometimes clash violently, and police occasionally use force to disperse them. Student groups were involved in relatively peaceful protests related to former prime minister Oli's dissolution of the parliament.

Minorities, including Hindi- and Urdu-speaking Madhesi groups, have complained that Nepali is enforced as the language of education in government schools.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While the freedom to engage in private discussions on sensitive topics has expanded with Nepal's political stabilization, authorities occasionally crack down on individuals who criticize the government on social media.

In 2021, the parliament also continued to consider legislation, such as the Mass Communications Bill, which would dramatically impact online expression.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12

E1. Is there freedom of assembly? 3 / 4

Although the constitution guarantees freedom of assembly, security forces have been known to violently disperse protests and demonstrations, particularly in the south, where a large Madhesi population and related secessionist movement exist.

In January 2021, nationwide protests were held over former prime minister Oli's dissolution of Parliament; thousands of people participated in defiance of COVID-19-related public health restrictions. Additional large protests on separate issues, including a challenge to the activities of a United States aid program, the Millennium Challenge Corporation, occurred after the dissolution of Parliament was resolved.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights-and governance-related work? 2 / 4

Although the constitution allows nongovernmental organizations (NGOs) to form and operate in Nepal, legal restrictions sometimes make this difficult in practice. The District Administration Office (DAO), which is responsible for registering NGOs, is often understaffed and lacks essential resources. Foreign NGOs must enter project-specific agreements with the Nepali government. There is a widespread view that NGOs should not be overly political, which hinders some groups from engaging in certain forms of public advocacy. Some federal states are more open to NGO activities than others.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The 2015 constitution provides for the right to form trade unions. Labor laws protect the freedom to bargain collectively, and unions generally operate without state interference. Workers in a broad range of "essential" industries cannot stage strikes.

F. RULE OF LAW: 7 / 16 (+1)**F1. Is there an independent judiciary? 3 / 4 (+1)**

The 2015 constitution provides for an independent judiciary. However, judicial independence is compromised by endemic corruption in many courts.

The state has often ignored local court verdicts, Supreme Court decisions, and National Human Rights Commission (NHRC) recommendations addressing crimes committed during the 1996–2006 civil war. In late 2020 and early 2021, the Oli government took steps to weaken the NHRC and other Constitutional Council bodies: President Bhandari amended the Constitutional Council rules, allowing it to hold meetings without a quorum and make decisions based on a simple majority. The Constitutional Council recommends appointments to the NHRC.

However, the Supreme Court was twice able to serve as an effective check against the executive in 2021. In February and July, the court reinstated the parliament after former prime minister Oli attempted to dissolve the body in December 2020 and May 2021, respectively. The court ordered opposition leader Sher Bahadur Deuba to be appointed prime minister.

Score Change: The score improved from 2 to 3 because the Supreme Court's ruling on the legality of the former prime minister's dissolution of the parliament reflected its increasing independence.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due process guarantees are poorly upheld in practice. Arbitrary arrests do occur. Heavy case backlogs and a slow appeals process result in long pretrial detentions. The government provides legal counsel to those who cannot afford their own, but only at a defendant's request. Those unaware of this right often end up representing themselves.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Rights advocates continue to criticize Nepal for failing to punish abuses and war crimes committed during the 1996–2006 civil war.

Neither the TRC nor the CIEDP, key transitional justice bodies, have implemented reforms demanded by the United Nations and the Supreme Court. Although the two institutions have received thousands of reports of human rights violations and enforced disappearances, no alleged perpetrators have been prosecuted. In February 2021, the government extended the tenure of both bodies, though because they have done little to address the problem, many have called for civilian and criminal courts to hear conflict-era cases.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The 2015 constitution includes rights for sexual minorities. The first passport on which the holder was permitted to select a third gender was issued in 2015. However, LGBT+ people face continued harassment by the authorities and other citizens, particularly in rural areas.

The constitution frames the protection of fundamental human rights for Nepali citizens only. This potentially leaves equal rights of noncitizens, including migrants and people who cannot prove citizenship, unprotected.

Tibetans in Nepal face difficulty achieving formal refugee status due to Chinese pressure on the Nepali government. Women often do not receive the same educational and employment opportunities as men.

Muslims enjoy greater freedom to practice their religion under the 2015 constitution but continue to face widespread discrimination.

Children living with disabilities are sometimes excluded from the education system, or face segregation in the classroom.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement is generally respected in Nepal. There are legal limits on the rights of refugees to move freely, but restrictions are rarely enforced. Citizens generally enjoy choice of residence, though bribery is common in the housing market as well as the university admittance process.

In rural areas, women remain subject to *chhaupadi*, a traditional practice in which menstruating women are physically separated from their families and communities; the practice was criminalized under a 2018 law. The first arrest under this law occurred in 2019, when a Nepali man was arrested after his sister-in-law died of smoke inhalation in a *chhaupadi* hut. Arrests have occurred inconsistently since then.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although citizens have the right to own private businesses, starting a business in Nepal often requires bribes to a wide range of officials. Licensing and other red tape can be extremely onerous. Women face widespread discrimination when starting businesses, and customs and border police are notoriously corrupt in dealing with cross-border trade. Foreigners generally cannot own land, though in practice individuals, businesses and organizations have found ways around this rule with long term leases of properties technically owned by Nepalis.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence remains a major problem and increased during the COVID-19 pandemic. The 2009 Domestic Violence Act provides for monetary compensation and psychological treatment for victims, but authorities rarely prosecute domestic violence cases, and these are sometimes handled informally.

Underage marriage, especially of girls, is widespread. In 2019, the UN Children's Fund (UNICEF) reported that Nepal had one of the world's highest child marriage rates.

Foreign men married to Nepali women must wait 15 years to obtain naturalized citizenship, while foreign women married to Nepali men can immediately become citizens. Children of foreign-born fathers and Nepali mothers must apply for naturalized citizenship, while children of foreign-born mothers and Nepali fathers are automatically granted citizenship. In June 2020, a parliamentary committee endorsed an amendment to the Citizenship Act that would require foreign-born wives to wait 7 years before attaining their own citizenship. The amendment remained under consideration at year's end.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Trafficking of children and women from Nepal for prostitution in India is common, and police rarely intervene. Bonded labor is illegal but remains a serious problem. Most workers in Nepal remain in the informal sector and lack legal protections.

Child labor also remains a problem; children can be found working in the brickmaking, service, and other industries, as well as in forced begging and sex work. The COVID-19 pandemic, which left many children out of school, has worsened these challenges; how many children will eventually return to school is unclear.

Netherlands

Population: 17,500,000

Capital: Amsterdam

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Netherlands is a parliamentary democracy with a strong record of safeguarding political rights and civil liberties. Nevertheless, Muslims and immigrants experience harassment and discrimination, and polarization around cultural identity issues has increased. Harsh asylum policies are a source of controversy. The Kingdom of the Netherlands also has overall responsibility for human rights compliance on six Caribbean islands. Corruption, prison conditions, and asylum policies are of concern on the islands.

KEY DEVELOPMENTS IN 2021

- In January, Prime Minister Mark Rutte of the People's Party for Freedom and Democracy (VVD) and his cabinet resigned over a scandal stemming from the collection practices of the Tax and Customs Administration (Belastingdienst). Official investigations into the Belastingdienst, which wrongly accused tens of thousands of families of fraud, continued throughout the year.
- The VVD won a plurality of seats in the already scheduled March parliamentary elections. The previous coalition renewed a governing agreement in December, following a record 271 days of negotiations, allowing Rutte to retain his position; the new government was not sworn in before year's end.
- Numerous protests took place across the country during the year, many of which were marked by violent confrontations between demonstrators and police. In several instances, police were accused of using disproportionate force to disperse demonstrations, resulting in criminal charges being filed against at least three officers by year's end.

POLITICAL RIGHTS: 39 / 40 (-1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The Netherlands is a parliamentary constitutional monarchy. The government is formed by the parliament after elections.

In January 2021, the coalition government—composed of Prime Minister Mark Rutte's VVD, the Christian Democratic Appeal (CDA), the Democrats 66 (D66), and the Christian Union—resigned in the wake of a scandal that saw the nation's tax agency wrongly accuse tens of thousands of families of fraud. The Rutte cabinet served in a caretaker role until a new government could be formed following the already scheduled March general election; the VVD won a plurality of seats in those polls. In December, the outgoing coalition agreed

to form another government after a record 271 days of negotiations, with Rutte retaining his position for a fourth term. He had not been sworn in by year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral States General consists of the 75-seat First Chamber, elected indirectly by the members of the 12 provincial councils, and the 150-seat Second Chamber, members of which are directly elected to serve four-year terms. In the March 2021 elections, the VVD won a plurality of seats on a turnout of 78.7 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections are administered by the Electoral Council, which works impartially and professionally. Voting procedures were adapted ahead of the March 2021 parliamentary elections to improve accessibility for people with disabilities and to incorporate COVID-19-related public health measures.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties operate freely. The Elections Law does not impose any undue restrictions on the creation of political parties and the registration of candidates for elections.

Government funding extends to all parties with at least 1,000 members and at least one seat in the parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The composition of ruling coalitions regularly changes after elections.

A record 17 parties entered the Second Chamber following the March 2021 elections, including 4 new parties: JA21, which emerged following a split from the controversial far-right Forum for Democracy (FvD) party; Volt, a pro-European Union (EU) party; the Farmer-Citizen-Movement (BBB); and the left-wing BIJ1.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The people are free to make their own political choices without pressure from democratically unaccountable groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Marginalized groups participate freely in the political process. Several political parties specifically cater to the (perceived) interests of religious groups or ethnic minorities. Underrepresentation in politics of persons without higher education is sometimes identified as a problem.

C. FUNCTIONING OF GOVERNMENT: 11 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Government policies reflect the choices of freely elected members of the parliament. Inordinate influence of corporate interests over government policies continued to be criticized by investigative journalists and nongovernmental organizations (NGOs).

Following the Taliban's August 2021 takeover of Afghanistan, the parliament issued a motion in September condemning the government for its failure to adequately protect people in the country who had previously worked with Dutch organizations, prompting the resignations of the foreign and defense ministers.

C2. Are safeguards against official corruption strong and effective? 4 / 4

The Netherlands has low levels of corruption, and anticorruption mechanisms are generally effective.

In response to the Council of Europe's Group of States against Corruption (GRECO) 2019 recommendation to strengthen integrity safeguards for parliamentarians, the Second Chamber created a Code of Conduct in September 2020. Legislation establishing an independent complaints body, which is tasked with addressing Code of Conduct violations, came into effect in April 2021.

C3. Does the government operate with openness and transparency? 3 / 4 (-1)

Laws recognizing the right to request government information are generally enforced, although delays in responding to requests for information are common. In 2021, the parliament passed the Open Government Act (WOO), which requires the government to make documents available online rather than by request; the WOO had not entered into force by year's end.

During 2020, reports emerged about significant malpractice regarding Belastingdienst collection processes, including illegal practices involving childcare allowances, beginning in 2012. The Dutch Data Protection Authority (DPA) concluded that discriminatory use had been made of data on the (double) nationality of certain applicants. In December 2020, a special parliamentary committee reported that families were punished illegitimately, and, when legitimate, to disproportionate extremes.

In May 2020, the government asked the public prosecutor to investigate Belastingdienst officers for extortion and discrimination. The public prosecutor declined in January 2021, saying the matter was political rather than criminal. An appeal against that decision was launched in April and remained undecided at year's end. Criminal complaints of discrimination and extortion filed against specific tax officers were also investigated during the year.

Throughout 2021, numerous politicians and government officials advocated for a change in the country's "culture of governance" to increase transparency and enhance public trust. Rutte and his cabinet resigned in January over the Belastingdienst scandal, citing a wish to take responsibility for mistakes made "at every level of the state." In March, the cabinet informed lawmakers that the Belastingdienst had violated a wide range of laws and regulations, sometimes systematically. Such violations include persistently exceeding decision deadlines and withholding information from both citizens and the judiciary. Investigations into the matter remained ongoing at year's end.

Score Change: The score declined from 4 to 3 because the Dutch tax-collection agency systematically violated laws and regulations over the course of several years, falsely accused residents of fraud, and withheld information from the public.

CIVIL LIBERTIES: 58 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

A free and independent press thrives in the Netherlands. However, journalists occasionally face isolated instances of harassment, and several members of the press reported being threatened and physically attacked while reporting on antigovernment demonstrations during 2021. In July, well-known crime reporter Peter de Vries was murdered; two men were later arrested in connection with the killing, which was reportedly linked to de Vries's investigation into an organized crime network.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, which is generally respected in practice. A prohibition of burqas and niqabs in public establishments and on public transport came into force in August 2019. However, a report by *de Volkskrant* showed that no fines had been issued at all as of October 2020.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely respected in the Netherlands.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no restrictions on freedom of speech or expression, apart from the criminalization of hate speech. In July 2021, the Supreme Court upheld the 2016 hate-speech conviction of FvD politician Geert Wilders, who had called for the reduction of the number of Moroccans in the Netherlands at a campaign rally in 2014.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally guaranteed and generally respected by authorities. The government restricted assembly rights periodically throughout both 2020 and 2021 due to COVID-19. Despite such restrictions, several large protests were held in 2021, including nationwide demonstrations by environmental activists in March. Limitations placed on participants varied significantly between cities, leading some protest organizers to lodge formal complaints against the restrictions, which they said unduly suppressed their right to protest.

Thousands of people participated in demonstrations against the government's lockdown measures during the year. Many of these antilockdown protests turned violent, resulting in dozens of arrests; several were forcibly dispersed by police, who were accused of using disproportionate force in numerous instances. Internal police investigations concluded that a number of officers had acted "unprofessionally," and criminal charges were filed against at least three officers accused of using excessive force against demonstrators by year's end.

Police were also accused of using disproportionate force to violently disperse peaceful protests against a lack of affordable housing in September and October; several people were injured and dozens of demonstrators were arrested during the protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs operate freely and without interference from the government or nonstate actors.

A draft bill proposed in 2020 would enable local authorities and prosecutors to gather information from NGOs on any foreign funding that they receive. In response to concerns

over the law's potentially discriminatory application, amendments to the draft bill were made in June 2021. The draft would broaden the scope of the review process to include all donations of at least €15,000 (\$15,800), regardless of their origin.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers' rights to organize, bargain collectively, and strike are protected.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent, and the rule of law generally prevails in civil and criminal matters.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The right to a fair trial is legally guaranteed and respected in practice. Though a COVID-19-related case backlog arose in 2020, extra judicial capacity had been allocated to address the situation by that June; nearly 70 percent of the backlog was resolved by February 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The police are under civilian control, and prison conditions mostly meet international standards. In early 2021, inmates in several prisons were temporarily quarantined in response to a spike in the number of COVID-19 cases; lawyers criticized the measures, which included a prohibition on showering, citing concern for the welfare of the prisoners.

Substandard prison conditions continued to be reported on Caribbean islands under the jurisdiction of the Netherlands, notably including Sint Maarten.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The Netherlands has antidiscrimination laws and hate speech laws on the books. In 2021, the government introduced the position of national coordinator against racism and discrimination. The national coordinator, who began work in October, is tasked with creating a national antidiscrimination program.

Rising anti-immigrant sentiment in recent years has been accompanied by more open expression of anti-Islamic views. Muslims and people with a migrant background experience harassment and intimidation. Persistent labor market discrimination on ethnic grounds, of older people, of pregnant women, and of disabled people continued to be documented in 2021.

Antisemitism in the Netherlands has risen in recent years, with one NGO reporting a 35 percent increase in antisemitic incidents between 2020 and 2021. In April 2021, the government appointed Eddo Verdoner as national coordinator for combating antisemitism (NCAB).

In September 2021, a Dutch court ruled that security forces could use ethnicity as a factor in selecting individuals for security checks at the border. Rights groups condemned the verdict as "harmful," and vowed to appeal. In November, the Royal Netherlands Marechaussee—a gendarmerie that performs border controls—announced that it would no longer use ethnic profiling when conducting security checks.

Dutch asylum policies have long drawn criticism for being unduly harsh. In June 2021, the Court of Justice of the European Union (CJEU) ruled that by refusing to consider the claims of applicants who had previously been rejected over documentation concerns, Dutch asylum policies were incompatible with EU law.

Additionally, the UN Human Rights Committee has urged the government to review its legislation and establish a procedure for determining statelessness in recent years. In February 2021, a parliamentary vote moved to allow roughly 10,000 stateless refugees to apply for Dutch citizenship; however, implementation of the motion was delayed several times before being carried out in July.

The Caribbean islands that are part of the Netherlands lack well-developed asylum procedures. NGOs continue to call for more government action to support Venezuelan refugees on Aruba and Curaçao. In March 2021, authorities in Curaçao announced that undocumented migrants meeting certain conditions would be allowed to apply for residence permits. Curaçao's justice ministry also announced in June that aid workers and relatives would be given access to asylum seekers who had been detained.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Residents generally enjoy freedom of movement and choice of residence, employment, and institution of higher education. Though the government periodically implemented lockdown measures to curb the spread of COVID-19 during 2020 and 2021, such regulations were largely in line with public health guidance.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are legally protected and generally upheld in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are largely respected. Domestic violence is a persistent problem. According to data published in December 2020 by Statistics Netherlands, nearly half of all young adult women have experienced some form of sexual violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Exploitative working and housing conditions for migrants, particularly in the agricultural and meat-processing sectors, persisted in 2021, despite government efforts to address the problem. In October, research released by the International Institute of Social Studies (ISS) in The Hague showed that migrant workers, mainly from Eastern Europe, were living in degrading conditions, were not ensured proper compensation, and were housed illegally. Government policies created in December 2019 have been widely criticized as insufficient and have not properly regulated temporary employment agencies, which are often the cause of the problem.

New Zealand

Population: 5,100,000

Capital: Wellington

Freedom Status: Free

Electoral Democracy: Yes

Overview: New Zealand is a parliamentary democracy with a long record of free and fair elections and of guaranteeing political rights and civil liberties. Concerns include discrimination against the Māori and other minority populations, as well as reports of foreign influence in politics and the education sector.

KEY DEVELOPMENTS IN 2021

- In September, Ahamed Aathil Mohamed Samsudeen attacked people in an Auckland supermarket, injuring eight before being shot dead by police. In response to the attack, the government quickly amended counterterrorism laws to criminalize the planning of a terrorist attack, among other provisions.
- In February, voters approved a referendum to remove their own ability to block local councils' creation of Māori wards—special constituencies representing registered Māori voters in local government. This veto power had been used to prevent the creation of all but two Māori wards since their introduction in 2002. At least 25 councils moved to create Māori wards following the amendments.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A governor general, appointed by the United Kingdom's Queen Elizabeth II on advice from the prime minister, represents the British monarch as New Zealand's ceremonial head of state. In October 2021, Dame Cindy Kiro was appointed as governor general, becoming the first Māori woman to serve in the position. The prime minister, who is head of government, is appointed by the governor general and is usually the leader of the majority party or coalition in the directly elected parliament. Jacinda Ardern, leader of the Labour Party, was reelected as prime minister in 2020 following legislative elections, which were considered well administered and credible.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 120 members of Parliament's single chamber, the House of Representatives, serve three-year terms. The mixed electoral system combines voting in geographic districts with proportional representation. Elections in New Zealand are generally well administered, and their results considered credible.

In the October 2020 elections, the Labour Party secured a 65-seat majority in the 120-seat parliament. The opposition National Party claimed 33 seats, and the leftist Green Party won 10 seats. The anti-immigration New Zealand First party, which had been in coalition with Labour, lost all nine of the seats it won in 2017. Election day was delayed by a month amid a nascent second wave of the COVID-19 pandemic in Auckland.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework supports democratic elections, and elections are implemented fairly in practice. The independent New Zealand Electoral Commission administers polls and referendums, promotes compliance with electoral laws, and provides public education on electoral issues.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

New Zealanders organize political parties without undue legal restrictions or other obstacles, and parties are free to operate and campaign for support.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The political system has experienced regular democratic transfers of power between rival parties. Power has traditionally alternated between the center-left Labour Party and the center-right National Party. Currently, the National Party serves as a strong opposition force in parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People are generally able to act on their political preferences without undue influence from powerful groups. However, several studies in recent years have raised concerns over the likelihood that sizable political donations from Chinese businesspeople and other Chinese figures have influenced the policy positions of political parties and lawmakers. Some have claimed the government has been more hesitant to criticize Chinese government human rights abuses. In May 2021, the Labour Party drew criticism for a “cash for access” scheme, which gave wealthy donors access to Prime Minister Ardern and other senior ministers at fundraising events that cost up to NZ\$2,064 (USD \$1,442) per person.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Political rights and electoral opportunities are granted to all New Zealand citizens, and permanent residents have the right to vote. Seven of Parliament’s constituency seats are reserved for representatives of the Māori population, though Māori may also vote or run in general electoral districts. Māori representatives comprise 21 percent of seats in Parliament, with the Māori Party holding two seats. In October 2021, Dame Cindy Kiro became the first Māori woman to be appointed governor general.

In February 2021, voters approved a referendum to remove their own ability to block local councils’ creation of Māori wards—bodies representing registered Māori voters in local government. This veto power had been used to prevent the creation of all but two Māori wards since their introduction in 2002. At least 25 councils moved to create Māori wards following the amendments.

Also in February, Rawiri Waititi, co-leader of the Māori Party, was temporarily removed from Parliament for not wearing a necktie, as required by the parliamentary dress code. Waititi, who wore a traditional Māori *hei-tiki* pendant in place of a necktie, successfully pushed for the necktie requirement to be removed.

Women are relatively well-represented in politics, and the government has taken steps to encourage their participation. Ardern is the third woman to serve as the country’s prime minister. The 2020 elections were the second in New Zealand’s history to be contested with both major parties led by women.

The 2020 elections also saw the first lawmakers of African, Latin American, and Sri Lankan background voted into Parliament, while Iranian refugee Golriz Ghahraman was reelected to a second term.

C. FUNCTIONING OF GOVERNMENT: 12 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The prime minister and cabinet ministers, with the support of a majority in the House of Representatives, determine and implement the government's policy agenda without improper interference from any unelected entity. In 2020, the COVID-19 pandemic affected the functioning of Parliament, with sittings suspended for five weeks between late March and early May. Parliament operated relatively unhindered throughout 2021. Lawmakers prevented from attending Parliament in-person in 2021 were able to work remotely.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Government corruption is not considered a significant problem in New Zealand, and cases of official malfeasance are routinely investigated and prosecuted.

Despite the country's strong anticorruption record, the government's Serious Fraud Office (SFO), tasked with investigating suspected corruption, has increased its attention to political party funding. Several investigations yielded charges for alleged campaign finance violations in 2020.

In May 2021, it was revealed that the SFO was prosecuting several Labour Party donors for breaches of campaign finance rules; of six political parties to have recently held seats in parliament, the SFO was investigating or prosecuting four.

C3. Does the government operate with openness and transparency? 4 / 4

The government operates with a high level of transparency, and new legislation is openly discussed in Parliament and the media. Parliamentary records, government policies, and commissioned reports are published online and readily available as required by law, though the government is sometimes slow to respond to freedom of information requests. The government upholds transparency in budgetary procedures, and representatives must submit annual financial disclosure statements.

CIVIL LIBERTIES: 59 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

New Zealand has a free and robust independent media sector, including a Māori-language public network and radio station. In November 2020, the large New Zealand media outlet Stuff issued a public apology after an internal investigation revealed systemic racism in its reporting, particularly in portrayals of Māori people.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is protected by law and generally respected in practice. Only religious organizations that wish to collect donations and receive tax benefits need to register with the government, and the process is not onerous.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom typically prevails at all levels of instruction. However, concerns persist regarding Chinese interference in New Zealand's higher education sector.

In 2020, an academic at the University of Canterbury published a report which found that various New Zealand universities had links with the Chinese government and military.

Other members of academia have been critical of the findings of the report, maintaining that it is common for educational institutions to have international links.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

New Zealanders are free to discuss personal views on sensitive topics. However, new intelligence and security legislation adopted in 2017 allows law enforcement agencies to access private communications under certain conditions in order to protect national security.

In 2019, Parliament passed the Terrorism Suppression (Control Orders) Act, which had been criticized by the privacy commissioner for authorizing an overly intrusive regime of monitoring and restrictions on individuals designated as having been involved in terrorist activities abroad. Authorities invoked the law against Islamic State (IS)-linked woman, Suhayra Aden, who was extradited to New Zealand from Turkey in August 2021. The order was approved by a High Court judge and imposes broad restrictions on Aden, including prohibiting her from leaving New Zealand or possessing a passport.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The government generally respects free assembly and association rights, which are legally protected. Public gatherings were severely restricted in 2020 and 2021 during lockdowns imposed periodically to curb spread of the COVID-19 pandemic. Demonstrations in several major cities denouncing the lockdowns were largely peaceful, though police monitored demonstrators and a number of organizers were later arrested. Observers noted that far-right groups had infiltrated antilockdown protests, with at least one protest organizer having expressed anti-Muslim and anti-LGBT+ statements.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

There are no significant restrictions on nongovernmental organizations' ability to form, operate, and solicit funds.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may freely organize and bargain collectively, and trade unions actively engage in political debates and campaigns. Workers also have the right to strike, with the exception of uniformed police personnel.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The New Zealand judiciary is generally independent. Most judges are appointed by the governor general on the recommendation of the attorney general, who first consults with senior jurists.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Law enforcement practices and court procedures provide for due process protections in civil and criminal matters. Defendants and detainees are presumed innocent until proven guilty and by law must immediately be notified of the charges against them.

Pretrial detention durations have increased in recent years, as authorities have tightened bail requirements and relaxed the time limit in which cases must be concluded.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Rates of violent crime are relatively low, and residents have legal recourse to seek redress for violations of their physical security. The 2019 Christchurch terrorist attack was the worst mass shooting in New Zealand's modern history. The shooting, which took place at two mosques and killed 51 people, was preplanned and accompanied by an 87-page document filled with anti-immigrant and anti-Muslim hate speech. Following the attack, government representatives collaborated with tech companies, including Google and Facebook, to ensure the removal of material on online platforms depicting the attack and prevent livestreaming of potential future attacks. The perpetrator of the shootings, Brenton Tarrant received a life sentence in August 2020. A Royal Commission inquiry into the causes of the attack identified serious failures by the country's intelligence services.

In September 2021, Ahamed Aathil Mohamed Samsudeen attacked people in an Auckland supermarket, injuring eight before being shot dead by police. In response to the attack, the government quickly amended counterterrorism laws to criminalize the planning of a terrorist attack, among other provisions. The amendments give police warrantless powers of entry, search, and surveillance if an individual is suspected of planning an attack. Some have expressed concern about the lack of oversight in the new laws and the potential for overreach.

Prison conditions generally meet international standards, though some facilities are poorly equipped to house detainees with disabilities or mental health problems.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The 1993 Human Rights Act protects all people in New Zealand from discrimination on the basis of gender, religion, ethnicity, and sexual orientation, among other categories, and its provisions are generally respected in practice. However, Māori—who account for approximately 16 percent of the population—and Pacific Islanders experience some discrimination in schools, the workplace, and the health system. They are also disproportionately represented in the penal system, accounting for just over half of the prison population as of 2019. Recent campaigns to recruit more officers of Māori, Pacific Islander, and Asian descent aim to improve cultural and ethnic sensitivity within the police force and combat profiling and discrimination.

The annual Child Poverty Monitor Technical Report has documented for many years that children of Māori and Pacific Islander descent are more likely to experience poverty. The Ardern government has been criticized for its inefficacy in addressing this issue, which it claimed was a policy priority.

Racism and discrimination towards people of Asian descent, as well as first generation immigrants, is a challenge, one that has grown during the COVID-19 pandemic. Approximately 50 percent of people of Asian descent reported experiencing racism or discrimination since the start of the pandemic.

Women continue to face some disparities in employment, including a gender pay gap and underrepresentation in leadership positions in both the public and private sectors. The government enforces strong legislation protecting the rights of LGBT+ people. However, LGBT+ people report workplace discrimination and poorer physical and mental health compared to the general population.

Though the government routinely accepts refugees and asylum seekers, the New Zealand Human Rights Commission has raised concerns that refugees are not always given sufficient information to enable them to access important services such as interpreters,

housing, and English-language instruction. Separately, asylum seekers are sometimes detained alongside criminal inmates while their identity is being confirmed.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The government respects freedom of movement, and neither state nor nonstate actors place undue restrictions on people's ability to change their place of residence, employment, or education.

The New Zealand government periodically imposed lockdowns in 2020 and 2021 to contain outbreaks of the coronavirus. International travel has been limited, with arrivals forced to complete a state-supervised fourteen-day quarantine throughout much of the pandemic.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

New Zealand's legal and regulatory frameworks are broadly supportive of private business activity and provide strong protections for property rights.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are broadly protected, including on issues like marriage and divorce. Same-sex marriage was legalized in 2013, and same-sex couples may jointly adopt children. However, violence against women and children remains a critical problem in many communities. A government survey released in 2020 reported that over one in three people identifying as women had been a victim of sexual violence in their lifetime. Abortion is legal in New Zealand; in March 2020 Parliament removed all restrictions up to 20 weeks of pregnancy and fully decriminalized the procedure.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Residents generally have access to economic opportunities, but the Māori and Pacific Islander populations have disproportionately high rates of unemployment, affecting their economic and social mobility. Women and Pacific Islander people are among the most likely groups to receive lower pay for equal work. In December 2020, the Human Rights Commission announced an inquiry into the unequal pay and equal employment discrimination faced by Pacific Islander workers.

Migrant workers are vulnerable to exploitative conditions including forced labor in industries such as fishing, agriculture, construction, hospitality, and domestic service. The government has taken action to combat these abuses, and in August 2020 authorities announced a crackdown on exploitation and protections to help migrant workers escape exploitative environments.

Nicaragua

Population: 6,700,000

Capital: Managua

Freedom Status: Not Free

Electoral Democracy: No

Overview: The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party's control, the limitation of fundamental freedoms, and unchecked corruption in government. In 2018, state forces, with the aid of informally allied armed groups, responded to a mass antigovernment movement with violence and repression. The rule of law collapsed as the government moved to put down the movement, with rights monitors reporting the deaths of at least 325 people, extrajudicial detentions, disappearances, and torture. Since then, antigovernment activists report surveillance and monitoring, and Ortega has consolidated his power with sweeping arrests of his political opponents.

KEY DEVELOPMENTS IN 2021

- Beginning in May, the Ortega administration arrested dozens of opposition presidential and National Assembly candidates and government critics. The Supreme Electoral Council annulled the legal status of parties that presented legitimate competition to Ortega's Sandinista National Liberation Front (FSLN)—including the Democratic Restoration Party (PRD) and Citizens for Liberty (CxL)—and ended the candidacy of Ortega's rivals, banning them from running for or ever holding public office.
- In November, the government announced that Ortega had been reelected with 75 percent of the vote; authorities reported that the FSLN had won 74 percent of the vote and 75 seats in the National Assembly. Authorities claimed voter turnout was 65 percent, but the local citizen-run election watchdog, Urnas Abiertas, recorded that turnout was likely close to 18.5 percent. Observation groups, who were barred from monitoring the polls, stated that the elections were neither free nor fair because of the crackdown on the opposition.
- Authorities continued their campaign of repression against independent media outlets and journalists. In August, security forces raided the facilities of *La Prensa* and arrested its manager, Juan Lorenzo Holman. Fernando Chamorro, editor and founder of *El Confidencial*, fled to Costa Rica in June following the arrest of his sister, who was a presidential candidate.
- In August, the National Assembly canceled the legal status of 15 organizations, including several that supported development projects for rural women. The Matagalpa Women's Collective (Colectivo de Mujeres de Matagalpa)—which was shut down after providing care to women and children, libraries and community houses, and more for 31 years—stated that the government's actions were intended to impose “fear and silence” for civil society groups in the country.

POLITICAL RIGHTS: 5 / 40 (-5)

A. ELECTORAL PROCESS: 0 / 12 (-3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-1)

The constitution provides for a directly elected president, and elections are held every five years. Constitutional reforms in 2014 eliminated term limits and required the winner of the presidential ballot to secure a simple plurality of votes. Daniel Ortega has been president since returning to power in 2006. His reelection in 2016 was through a severely flawed poll that was manipulated by the Supreme Court (CSJ) and Supreme Electoral Council (CSE), which are controlled by Ortega's allies. Ortega's wife, Rosario Murillo, also won reelection as vice president.

In December 2020, the FSLN-controlled National Assembly passed the Law in Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, also known as the “Sovereignty Law,” which provides authorities a broad framework to arbitrarily detain, investigate, and ban individuals from running for or holding public office. Beginning in May 2021, the Ortega administration used this law to arrest dozens of opposition candidates, prominent opposition party members, and government critics. Among those arrested were significant challengers for president and vice president, including Cristiana Chamorro, Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora, Medardo Mairena, and Noel Vidaurre. This wave of repression continued through October. The CSE also annulled the candidacy of Ortega’s rivals and banned them from running for or holding public office.

In November 2021, the government announced that Ortega had been reelected, allegedly taking 75 percent of votes, ahead of the Constitutionalist Liberal Party (PLC) candidate, Walter Espinoza. Authorities claimed voter turnout was 65 percent, but the local citizen-run election watchdog, Urnas Abiertas, recorded that turnout was likely close to 18.5 percent. In October, the Organization of American States (OAS) stated that the November poll could not meet the criteria for free and fair elections due to the crackdown on Ortega’s challengers. OAS and European Union (EU) election observers and journalists were barred from monitoring the polls.

Score Change: The score declined from 1 to 0 because the government’s crackdown on opposition party candidates removed all credible competition from the presidential election.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-1)

The constitution provides for a 92-seat unicameral National Assembly, with members chosen through proportional representation. Two seats in the legislature are reserved for the previous president and the runner-up in the most recent election. Legislative elections are held every five years.

Leading up to the November 2021 parliamentary elections, the Ortega government initiated a wave of arrests of opposition candidates and party members, including those running for seats in the National Assembly. The CSE annulled the legal status of FSLN rivals, including the PRD and CxL. Political parties that remained to oppose the FSLN presented no real challenge to its control of the legislature. The government announced in November that the FSLN had won 74 percent of the vote and were assigned 75 seats in the National Assembly. Election monitoring missions were not allowed to observe the vote. The OAS had rejected the credibility of the poll a month before it took place, claiming that the actions of the Ortega government had precluded any possibility of a free or fair election.

Score Change: The score declined from 1 to 0 because the government’s crackdown on its political opponents left no legitimate opposition to compete in the year’s parliamentary elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

The CSE and judiciary generally serve the interests of the FSLN and have played a crucial role in strengthening Ortega and the FSLN’s power. In 2016, the CSE removed Eduardo Montealegre from the Independent Liberal Party’s (PLI) leadership and forced out 16 opposition lawmakers who protested that decision.

In early 2021, the FSLN-controlled National Assembly appointed to the CSE's new governing committee individuals who all had ties to Ortega. The CSE also employed the Sovereignty Law to ban opposition candidates from running in the November elections and from ever holding public office. In May and August, the CSE annulled the legal status of the PRD (a member of the National Coalition) and CxL, respectively.

Score Change: The score declined from 1 to 0 because the government-controlled CSE prevented competitive opposition parties and candidates from participating in the year's elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4 (-1)

Political parties face legal and practical obstacles to formation and operations. Party leaders are easily co-opted or disqualified by Ortega-aligned institutions, including the CSE. Membership in the FSLN is often required in order to hold civil service positions, discouraging people from registering as members of other parties. Under 2014 constitutional reforms, legislators must follow the party vote or risk losing their seats.

The Foreign Agents Law, passed in October 2020, requires anyone receiving funds from foreign governments, organizations, or individuals to register as a foreign agent, and prohibits such agents from engaging in political activities or holding public office. In December 2020, the National Assembly passed the Sovereignty Law, which empowers authorities to ban individuals arbitrarily designated as "traitors" from running for or holding public office for life. In the months before the 2021 election, the CSE relied on the powers provided by these two laws to end the legal status of opposition parties and prevent legitimate candidates from participating in the elections. Authorities then arrested dozens of candidates for president, vice president, and the National Assembly. Further, opposition candidates and activists are subject to surveillance and harassment at the hands of security forces, including the police and paramilitary groups.

Score Change: The score declined from 1 to 0 because the CSE ended the legal status of legitimate opposition parties and the government arrested dozens of opposition candidates in the run-up to the year's elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Nicaragua's opposition lacks the opportunity of increasing its support or gaining power through elections. Few opposition figures hold legislative seats or other government positions. The police and progovernment armed groups employed lethal force in 2018 against peaceful antigovernment protesters, and the government has continued its campaign of harassment, arbitrary detention, and violence against any who would oppose it. In 2021, the CSE banned opposition party candidates from participating, effectively ensuring that only Ortega-friendly parties and candidates would challenge his presidency. Opposition candidates and activists were arrested en masse in the leadup to the November 2021 elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

President Ortega has consolidated all branches of government and most public institutions, as well as the country's media, under his party's control, allowing him and the FSLN

great influence over people's political choices. Public sector workers experienced pressure to keep away from the antigovernment protest movement in 2018, and hundreds of health professionals were dismissed from public hospitals for providing medical assistance to protesters, or for their alleged role in the demonstrations.

Police and state-allied armed groups were the primary perpetrators of violence during the 2018 crisis, and they have continued to attack perceived regime opponents. In a report released in December 2020, the Inter-American Commission on Human Rights (IACHR) identified a "revolving door" system of short-term arbitrary detentions intended to intimidate and disrupt regime opponents.

In November 2020, hurricanes Eta and Iota devastated sections of the country. As damage assessment and aid efforts commenced, accusations emerged that the government was prioritizing Sandinista-led areas, as well as hindering independent journalistic coverage of the crisis.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Minority groups, especially the Indigenous inhabitants of Nicaragua's eastern and Caribbean regions, are politically underrepresented across parties and institutions, including the National Assembly. The government and FSLN largely ignore their grievances.

In 2021, George Henríquez sought to become the country's first president of Afro-Nicaraguan descent with the CxL, though his candidacy was rejected shortly before the CxL was disbanded.

In practice, successful political advocacy by women is generally restricted to initiatives that enjoy the support of the FSLN, which has not prioritized women's policy concerns. However, the World Economic Forum ranked Nicaragua in fifth place globally for the political empowerment of women in their 2021 Global Gender Gap Report.

C. FUNCTIONING OF GOVERNMENT: 2 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)

The FSLN dominates most public institutions, and the Ortega administration has co-opted other government bodies that may have served as a check on his power. The FSLN won an absolute majority of seats in the National Assembly in the 2021 elections, which were neither free nor fair. This enables the FSLN to determine policies without any credible claim to representing the people's will.

Under 2014 constitutional reforms, President Ortega has a wide degree of discretionary powers to set policy. Executive dominance of the legislature results in a consistent lack of oversight.

Score Change: The score declined from 1 to 0 because both the president and the governing party in the National Assembly were not freely elected.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption in Nicaragua is widespread but rarely investigated. Because the justice system is dominated by Ortega, allegations of corruption against government officials rarely see thorough investigation or prosecution. However, authorities commonly launch antigraft probes targeting opposition members, often forming part of a politically motivated scheme to delegitimize or arrest them. This trend has deepened under the new legal framework created by the Sovereignty Law.

The intermixing of the Ortega family, the FSLN, and government interests have long been criticized as presenting significant conflicts of interest and opportunities for corruption. Ortega's sons and daughters have been appointed to prominent positions such as ambassador and presidential adviser. Several of the president's sons are among the multiple Nicaraguan officials sanctioned by the US Treasury Department for alleged involvement in corrupt activities. The US government has in the past also sanctioned Ramón Avellán of the National Police, Lumberto Campbell of the CSE, and Roberto López of the Nicaraguan Social Security Institute (among others) for corruption and other abuses. In November 2021, the US government announced additional sanctions against Ortega's family members and 100 people from the country's political and judicial elite. In October 2021, the EU also renewed its sanctions from 2020.

International corruption watchdog Transparency International claimed that corruption was present in every aspect of the government's response to the COVID-19 pandemic.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations and policymaking are generally opaque. The 2007 Law on Access to Public Information requires public entities and private companies doing business with the state to disclose certain information. Government agencies at all levels generally ignore this law.

Ortega rarely holds press conferences. The Communications and Citizenry Council, which oversees the government's press relations, is directed by Vice President Murillo and has been accused of limiting access to information.

In 2020, independent observers alleged that the government intentionally underreported the number of COVID-19 cases in the country, and the Pan-American Health Organization was denied access to Nicaraguan hospitals. Many people whose deaths were attributed to "atypical pneumonia" were nonetheless given express burials that family members were barred from attending. Health workers were reportedly prevented from using personal protective equipment (PPE) and implementing safety protocols in public hospitals, and dozens of nurses and doctors were fired for signing a letter criticizing the government's response to the pandemic.

In 2021, doctors were harassed, threatened, or sometimes forced into exile for questioning the government's response to the pandemic. Doctors who claim that the number of cases and deaths is far higher than the official data have been accused of "false news" and "health terrorism" by Vice President Murillo and other senior government officials.

CIVIL LIBERTIES: 18 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16 (-2)

D1. Are there free and independent media? 0 / 4 (-1)

The Ortega regime has cracked down on free and independent media and journalists since Ortega returned to power in 2007. The administration has engaged in systemic efforts to obstruct and discredit media critics. The FSLN government has intimidated and arrested journalists, censored media outlets, and sought to deprive print media of essential supplies—including ink and paper. Such measures forced *El Nuevo Diario* and *Metro* to end their print publications in 2019. In 2020, the FSLN-controlled National Assembly passed the Special Cybercrimes Law, making it easier to criminalize dissent in traditional news outlets and on social media.

In 2021, the Ortega administration intensified its efforts to silence journalists. The FSLN government oversaw the closure or appropriation of 20 independent news outlets

across 12 regional departments. The government suspended the transmission Confidential Radio and Onda Local—two radio shows critical of the government—preventing them from airing, allegedly due to their links to a money laundering scheme. In August, the government seized the paper used to print newspapers *La Prensa* and *Hoy*, which forced them to cease their circulation. Also in August, security forces raided the facilities of *La Prensa* and arrested its manager, Juan Lorenzo Holman. Fernando Chamorro, editor and founder of *El Confidencial*, fled the country to Costa Rica in June following the arrest of his sister, who was a presidential candidate.

Government censorship also extended to foreign outlets in 2021. Authorities summoned María Lily Delgado, a freelance journalist of Univision, to testify in a politically charged case against presidential candidate Cristiana Chamorro. The regime also prevented *New York Times* reporters from entering the country in June.

Score Change: The score declined from 1 to 0 because the government increased its campaign of censorship and persecution against media outlets and journalists.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Religious freedom was generally respected prior to the 2018 crisis, though some Catholic and Evangelical leaders had reported retaliation by the government, including the confiscation or delay of imported goods and donations, for criticism of the Ortega regime and providing refuge to protesters. Since the political crisis ignited, however, church officials have been denounced and smeared by authorities for accompanying or defending antigovernment protesters; progovernment mobs have attacked churches where protesters were sheltering; and members of the clergy have received threats and experienced surveillance. There have been reports that Ortega supporters have infiltrated parishes and harassed or intimidated parishioners during church services. These attacks continued in 2021. In 2020, Ortega accused local bishops of participating in a plot to overthrow him.

The Ortega regime has turned to Evangelical pastors to rally support, exploiting tensions between them and the Catholic leadership. Reports indicate that Ortega has rewarded loyal ministers with the deeds for valuable properties. Progovernment ministers played a fundamental role in bringing about the termination of the PRD, led by Evangelical minister Saturnino Cerrato.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Prior to the 2018 crisis, academic freedoms were generally respected, although some academics refrained from open criticism of the government. Since then, teachers have reported being required to attend training that promotes government views and reaffirms the government's version of the 2018 political crisis. They have experienced harassment from authorities and progovernment groups and must follow strict guidelines mandated by the Ministry of Education. In the public primary and secondary school system, there have been reports of students being required to attend progovernment rallies and of pro-FSLN materials being displayed in school buildings.

University students at the forefront of the movement demanding Ortega and Murillo step down from power have experienced extreme repression. Police and paramilitary groups assaulted and killed students participating in the 2018 protests and continued to harass and arrest them in 2021. Faculty members with ties to protestors or the opposition are subject to intimidation and retaliation—including losing their jobs.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

A campaign of repression and intimidation by state and progovernment forces continued to inspire a general climate of fear and terror that restricts free expression in Nicaragua. State and progovernment forces routinely monitor the activities of individuals who oppose the regime. The families of victims of regime violence and people who return from abroad are also monitored and surveilled. In 2019, the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) of the IACHR reported that state employees had experienced discrimination and retaliatory threats for disagreeing with or acting against state policy.

The 2020 Special Cybercrimes Law criminalized the spread of “false news” and targeted whistleblowing by government employees. The law also gives the government broad access to user data. Additionally, in January 2021, the National Assembly amended the constitution to allow for life sentences for hate crimes. Ortega has often referred to opposition actions as hate crimes, and analysts fear the law would be used to target political opponents.

The Ortega administration relied on the Sovereignty and Foreign Agents Laws extensively in 2021 to carry out its crackdown on the political opposition. The number of political prisoners arrested for their criticism of the government and free and legitimate political speech increased drastically, according to the Mechanism for the Recognition of Political Prisoners.

Score Change: The score declined from 2 to 1 because the government has increasingly monitored, harassed, and detained ordinary citizens to silence their political dissent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly has severely deteriorated since the 2018 protests, when at least 325 people were killed in a brutal crackdown on that year’s antigovernment protest movement against the authorities’ security reforms; it soon turned into a broader antigovernment movement aimed at forcing the Ortega regime from power. Most abuses have been attributed to the national police and armed allied groups, which a UN Office of the High Commissioner for Human Rights (OHCHR) 2018 report claimed operated with “total impunity.”

Assembly rights continued to be severely restricted through 2020 and 2021. Attempts to gather in 2020 faced violent obstruction, and police routinely deny permits for public demonstrations and occupy public spaces to prevent protests.

In September 2021, the FSLN-packed Supreme Electoral Council prohibited in-person rallies of more than 200 attendees for campaigning purposes, ostensibly to spread of the COVID-19 pandemic. However, President Ortega held progovernment rallies for the 42nd anniversary of the Sandinista Revolution in July and the country’s bicentennial in September.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Groups critical of the government or that focus on issues like corruption have operated within an increasingly restrictive environment under the Ortega administration, which, among other measures, has used registration laws to choke off sources of funding.

Authorities have targeted nongovernmental organizations (NGOs), accusing them of undermining the regime or acting as foreign agents. Human rights groups have reported continued monitoring and surveillance. In September 2020, a group of domestic and international human rights NGOs denounced a wave of activist repression, including sexual assaults of women activists. The government has also suppressed actions by NGOs

and church groups providing public health assistance to protesters and in response to the COVID-19 pandemic.

In August 2021, the National Assembly canceled the legal status of 15 organizations, including several organizations that supported development projects for rural women. Many of those shut down had long legacies of providing aid to communities around Nicaragua. The Matagalpa Women's Collective—which was shut down after providing care to women and children, libraries and community houses, and more for 31 years—stated that the government's actions were intended to impose “fear and silence” for aid groups in the country. Since 2018, the government has shut down 55 national and international organizations.

The Foreign Agents Law enacted in 2020 further impedes the operations of independent groups. Recipients of foreign funding who register as foreign agents must also provide monthly reports detailing their income, along with actual and planned expenditures.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The FSLN controls many of Nicaragua's labor unions, and the legal rights of non-FSLN unions are not fully guaranteed in practice. Although the law recognizes the right to strike, approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Employees have reportedly been dismissed for union activities, and citizens have no effective recourse when those in power violate labor laws.

Unions loyal to the Ortega regime shifted their stance on wage readjustments in early 2021, a blow to the strength of organized labor's position. In January, the Sandinista Workers' Center, which represents the leading public sector unions and has strong ties to the FSLN, said it favored a 5 percent wage increase. However, they quickly reneged this position and supported the 3 percent increase proposed by the government and its private sector allies. Further, FSLN-controlled unions have criticized what they viewed as foreign intervention by the United States and EU in Nicaragua's domestic affairs. These unions endorsed Ortega's reelection bid.

F. RULE OF LAW: 3 / 16

F1. Is there an independent judiciary? 1 / 4

Nicaragua lacks an independent judiciary. The executive branch strongly influences the nomination of judges, and loyalty to the ruling party determines their appointments. Local analysts estimate that over 70 percent of the country's judges have ties to the FSLN. In the run-up to the 2021 election, the judiciary played a critical role in ordering the arrest of opposition members and upholding the cancellation of the legal status of opposition parties, as dictated by the CSE. Multiple foreign governments sanctioned members of the judiciary—including the Supreme Court—for undermining democracy and serious human rights abuses.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Since protests erupted in 2018, UN investigators and other human rights organizations have documented rampant violations of due process rights. These include widespread arbitrary and politically motivated arrests and detentions by police and allied progovernment forces, failure to produce search or arrest warrants, no discussion of detainees' rights, no public registry of detainees or their location, and individuals being held incommunicado during initial detention. Repressive laws passed in 2020 continued the deterioration of due process rights.

The government announced in February 2019 that it would release political prisoners detained during the 2018 protests. Between March and June, the government released nearly 400 people, and another 91 were released in late December; most were placed under house arrest while charges against them remained active. Released prisoners were subjected to harassment and surveillance. Defense attorneys of political prisoners also reported being harassed. As of December 2021, the Mechanism for the Recognition of Political Prisoners registered 160 political prisoners still in custody.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The 2018 antigovernment protest movement—and protests since then—have been met with violent repression by police and informally allied armed forces. Reports from the OHCHR in 2018 and from the relatives of political prisoners in 2021 have documented severe abuses of detainees, including psychological and physical torture, sexual violence, forced confessions, disappearances, significant deterioration of prison conditions, and extrajudicial killings. In 2019, there were reports of dozens of antigovernment activists being killed in more remote parts of the country, allegedly by police and paramilitary groups.

As of April 2021, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that more than 108,000 Nicaraguans had fled the country since 2018 due to the violence, with two-thirds of them seeking refuge in Costa Rica.

To prevent the spread of COVID-19 within prisons, the government released over 2,800 prisoners to house arrest in May 2020, but political prisoners were not among those freed.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The constitution and laws nominally recognize the rights of Indigenous communities, but those rights have not been respected in practice. Approximately 5 percent of the population is Indigenous and lives mostly in the North Caribbean Coast Autonomous Region (RACCN) and the South Caribbean Coast Autonomous Region (RACCS). While Indigenous populations have been granted legal rights and protections to land, the government does not enforce these laws.

Attacks against Indigenous populations and land incursions in recent years have been perpetrated with impunity. In August 2021, according to the Center for Legal Assistance to Indigenous Peoples and the Del Río Foundation, settlers killed 12 Miskito and Mayangna people and tortured others in the Bosawas nature reserve, where illegal mining and logging has been reported despite the areas' protected status. In October, another Mayangna person was killed, and three others went missing after assailants, likely settlers, shot at them.

LGBT+ people are subject to threats and discrimination, and many, particularly transgender Nicaraguans, have been forced to seek exile.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The 2018 collapse of institutions, that year's bloody crackdown on dissenters, the 2021 crackdown on political opponents, and continued surveillance and harassment at the hands of police and paramilitary groups have created a climate of fear and mistrust that discourages free movement. Poor infrastructure limits free movement in some majority-Indigenous areas.

In late 2020, two hurricanes—Eta and Iota—struck the country's northeastern Caribbean coast, resulting in substantial damage that restricted free travel. The United Nations

High Commissioner for Human Rights claimed that the hurricanes killed at least 21 people and displaced over 160,000 people.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are protected on paper but can be tenuous in practice. Titles are often contested and individuals with connections to the FSLN sometimes enjoy an advantage during property disputes. Conflict over land in the RACCS and the RACCN between Indigenous residents and settlers continued in 2021, resulting in numerous deaths. The Center for Justice and International Law (CEJIL) warned in a 2019 report that Miskito communities in the north could be at risk of extinction due to land invasions.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence has increased in recent years, and the Network of Women Against Violence has claimed that the rising rates of femicides have reached near-epidemic levels. According to Human Rights Collective Nicaragua Never Again, 716 femicides occurred between 2010 to 2020. Legislation introduced to address gender-based violence—the 2012 Comprehensive Law against Violence toward Women and subsequent amendments—have had little effect, and allows for mediation between the perpetrator and victim of sexual violence, despite concerns from rights groups. In January 2021, the National Assembly increased the punishment for femicide from 30 years to life imprisonment.

Abortion is illegal and punishable by imprisonment, even when performed to save the pregnant person's life or in cases of rape or incest. Medical practitioners of and people who get abortions can be punished with eight-year prison sentences.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Nicaragua is a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor, notably in the agriculture and mining sectors, and as domestic servants. The *Trafficking in Persons Report 2021* from the US State Department listed Nicaragua in Tier 3 for failing to meet the obligations of the Trafficking Victims Protection Act (TVPA) and lacking significant efforts to address the issue. The report also notes that Afro-Nicaraguans and Indigenous people are particularly susceptible to exploitation.

Niger

Population: 25,100,000

Capital: Niamey

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Niger saw its first transfer of power between democratically chosen presidents in the 2020–21 elections, though the polls were impacted by allegations of fraud and sometimes-violent protests.

The struggle to meet security challenges posed by active militant groups has served as an alibi for the government to restrict civil liberties. Security, transparency, and gender equality are limited.

KEY DEVELOPMENTS IN 2021

- Mohamed Bazoum, the candidate of the ruling Nigerien Party for Democracy and Socialism (PNDS Tarayya), won the second round of the presidential election in February, making the first transfer of power between elected presidents in Nigerien history. Former president Mahamane Ousmane, who came in second place, unsuccessfully contested the results, alleging fraud.
- Insecurity affected the immediate postelectoral period; protests were held in several towns as well as Niamey, where events turned violent, in late February. At least 2 people died, while 468 were arrested as of February 25. The government restricted internet access for 10 days beginning in late February. The government also claimed to foil a coup attempt in late March, days before Bazoum's inauguration.
- In July, President Bazoum committed to repatriating 100,000 internally displaced persons (IDPs) to their home villages by the end of the year. The Office of the UN High Commissioner for Refugees (UNHCR) reported that 40,000 returned to their homes in its August update.
- Militants launched attacks against civilian and military targets throughout the year. Suspected militants killed 100 civilians when they attacked villages in the region of Tillabéri in January. In August, Boko Haram reportedly attacked an army outpost in Diffa Region; 16 soldiers were killed along with approximately 50 militant fighters.

POLITICAL RIGHTS: 23 / 40 (+1)**A. ELECTORAL PROCESS: 8 / 12 (+2)****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4 (+1)**

The president is directly elected to up to two five-year terms. The first round, held in December 2020, was marked by isolated reports of attempted vote buying and the disqualification of a major opposition candidate but was largely peaceful.

Mohamed Bazoum, a former interior minister and the candidate of the PNDS Tarayya, won 55.7 percent of the vote in the February 2021 runoff. His opponent, former president Mahamane Ousmane (1993–96), won 44.3 percent. The Independent National Electoral Commission (CENI) reported a turnout of 62.9 percent. Domestic and international observers deemed the electoral process satisfactory despite irregularities. While Ousmane contested the results, alleging fraud, the Constitutional Court validated Bazoum's victory in March. Bazoum was sworn in on April 2 to replace term-limited incumbent Mahamadou Issoufou, marking the first transfer of power between elected presidents in Nigerien history.

The postelectoral period was affected by insecurity. Protests were held in Niamey and several other towns after the second-round results were announced, with events in the capital becoming violent. The government reported that two people were killed during the protests on February 25. Internet access was restricted for 10 days beginning on February 24. The government also claimed to foil a coup attempt in late March, days before Bazoum's inauguration.

Score Change: The score improved from 2 to 3 because the presidential election was more peaceful and credible than the previous balloting—despite postelectoral violence and a reported coup attempt—and marked the first transfer of power from one elected president to another.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4 (+1)

There are 171 seats in the unicameral National Assembly, 158 of which are directly elected from 8 multimember constituencies; 8 which are reserved for minority representatives, who are elected directly from special single-seat constituencies; and 5 that are reserved for Nigeriens living abroad.

Nigeriens abroad were unable to participate in the late December 2020 parliamentary elections due to the COVID-19 pandemic, but voters within Niger voted to fill the 166 domestic seats concurrently with the first round of the presidential contest. Economic Community of West African States (ECOWAS) observers called the elections relatively free and fair, and lauded the participation of young and female voters. The PNDS Tarayya won 80 seats, the Nigerien Democratic Movement for an African Federation (MODEN/FA Lumana) won 19, and the Patriotic Movement for the Republic and the National Movement for the Development of Society each won 13. The new parliament took its seats in March 2021.

Score Change: The score improved from 2 to 3 because the December 2020 parliamentary elections, whose results were finalized in early 2021, were more peaceful and credible than the previous legislative balloting.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The electoral code offers a framework for fair elections. However, the opposition, pointing to reports of widespread irregularities in recent elections, among other issues, has cast doubt over the impartiality of the CENI and the Constitutional Court, which together approve candidate lists and validate election results. In 2017, the government and the opposition disagreed over the appointment of a new commission to organize the 2020 elections; the government unilaterally appointed the new commission after the opposition boycotted the process.

Parliamentarians adopted a new electoral code and the CENI launched the process of enrollment in a biometric voter list in 2019. ECOWAS and the Organization of La Francophonie called the new voter file reliable after reviewing it in 2020.

While 41 candidates registered to participate in the 2020 presidential elections, 11, most of whom did not pay the registration fee, were disqualified by the Constitutional Court that November. MODEN/FA Lumana leader Hama Amadou was disqualified over a 2017 human-trafficking conviction which he called bogus.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

By law, political parties may freely organize and conduct their activities. However, the PNDS Tarayya-led government has employed a variety of tactics to interfere in the operation of opposition parties, including persecution of opposition leaders and the co-option of key opposition figures. Over 150 political parties were registered as of November 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

In theory, the opposition can mobilize support and increase its membership. However, the opposition has suffered from a lack of leadership, partly due to the absence of Amadou, who previously served a prison sentence and lived in exile. Opposition parties have been divided into several coalitions and face serious difficulties in challenging the PNDS Tarayya's dominance. In addition, a history of government-led repression and co-optation has hindered their ability to gain power through elections.

Members of the opposition have expressed concern over the rising insecurity in several regions, particularly in the opposition stronghold of Tillabéri. Such insecurity has hindered the parties' ability to campaign and disturbed polling operations there. Tillabéri voter-enlistment agents have been targeted by militants, who threatened to attack anyone participating in elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Niger has experienced several military coups, most recently in 2010, and the influence of the military still looms over the political sphere. The government claimed to foil a coup attempt in March 2021. In the month that followed, at least one officer and several soldiers were arrested for their alleged involvement. The government claimed to foil coup attempts in 2015 and 2018.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4 (+1)

The law provides for equal opportunity for all Nigeriens to seek political office and participate in political processes. However, women have been underrepresented both in elected and cabinet positions. A parity law adopted in 2020 calls for women to hold 25 percent of parliamentary seats and 30 percent of cabinet positions; 25.9 percent of parliamentary seats were held by women after the December 2020 elections, an improvement over the 14.6 percent figure in the previous parliament. However, the percentage of women in Bazoum's cabinet stood at about 15 percent. The quota does not guarantee that women participate equally once elected or appointed to cabinet positions.

While the Hausa and Zarma (or Djerma) ethnic groups have dominated many government positions, ethnic minorities are increasingly visible in politics, particularly Tuareg and Arabs. Nomadic groups, including the Fulani, are underrepresented in elected positions and have difficulty registering to vote.

Score Change: The score improved from 2 to 3 due to the increased political representation of women after the December 2020 parliamentary elections and because of increased political representation of Tuareg and Arabs.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Elected representatives were duly installed into office following the 2020–21 polls. However, systemic harassment has impacted government legitimacy.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Several anticorruption authorities and programs exist. The High Authority for Combating Corruption and Related Crimes (HALCIA) is the official anticorruption body. The government operates an anticorruption hotline and has established an anticorruption initiative focused on the judiciary. The HALCIA actively tracks corruption cases and informs the

public of its activities. However, the government often has refused to carry through HAL-CIA recommendations or pursue identified corruption cases in court. Bribes are sometimes required to gain access to public services.

In 2021, the police arrested Ibou Karadjé, a former government official who is accused of embezzling more than 8 billion CFA francs (\$14.5 million) between 2012 and 2017. In June, the Bazoum administration cancelled a contract signed by the former government for buying military aircraft because of suspected corruption.

A government audit completed in 2020 reported that as much as 76 billion CFA francs (\$130 million) in public money was diverted due to the manipulation of defense procurements between 2014 and 2019. In December 2021, the government announced that it waived its right to bring civil charges against the suppliers, who agreed to compensate Niamey.

In recent years, the International Crisis Group has found increasing evidence of relationships between traffickers and politicians.

C3. Does the government operate with openness and transparency? 2 / 4

Implementation and enforcement of the 2011 Charter on Access to Public Information and Administrative Documents has been uneven. Government information related to the mining, uranium, and oil sectors, and state-operated companies, is often not disclosed.

In 2020, Niger resumed its participation in the Extractive Industries Transparency Initiative (EITI). In 2017, Niger, a global leader in uranium production, withdrew from EITI after the organization suspended the country; EITI cited its failure to meet standards for transparent licensing allocation and contract disclosure, lack of a comprehensive public license register, and other concerns.

CIVIL LIBERTIES: 28 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

In 2010, Niger adopted a press law eliminating prison terms for media offenses and reducing the threat of libel cases. However, journalists still face difficulties, including occasional police violence while covering protests, and detention or prosecution in response to critical or controversial reporting.

Journalistic activity is also affected by the 2019 Cybercrime Law. In September 2021, journalists Moussa Aksar and Samira Sabou appeared before a Niamey court on charges related to violations of that law; the journalists had reported on drug trafficking earlier in the year. Their case was still ongoing at year's end.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Freedom of religion is legally guaranteed, but there are some constraints on religious expression and worship in practice. The rise of militant groups has increased the threat of violence against Christians.

In 2019, citing security concerns, the government adopted a law that imposed greater control over religious activities, including building places of worship, preaching, and religious education. Places of worship were shuttered for part of 2020 due to the COVID-19 pandemic.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally upheld, but insecurity and heavy-handed responses to campus protests can impede academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is generally upheld in Niger. However, the government has shown some intolerance of criticism, and prosecuted people over social media comments. Authorities restricted internet access for 10 days in beginning in late February 2021 and prosecuted social media users for their activity during election-related unrest. Nigeriens reportedly self-censored after internet access was restored in March.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12**E1. Is there freedom of assembly? 2 / 4**

Freedom of assembly is constitutionally guaranteed, but authorities do not always respect this right in practice, and police have at times used force to break up demonstrations. In 2017, the government announced the prohibition of public protests on “business days.”

Sometimes-violent protests took place after Mohamed Bazoum was named the winner of the presidential election in February 2021. The home of a Radio France International (RFI) journalist was damaged during the protests, as were other publicly and privately owned buildings. On February 25, the government reported that 2 people died in the unrest while another 468 were arrested. Hama Amadou was arrested in March for his alleged role in postelectoral violence, though was allowed to travel to France for medical treatment in April.

The government banned some rallies during 2021. An opposition rally was banned in late March, as was a planned December rally against the presence of foreign troops in Niger.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The government occasionally restricts the operations of nongovernmental organizations (NGOs), and a lack of security in certain regions also impedes their functioning. The government has restricted the movement of UN personnel and aid workers without military escort in some areas, impacting the delivery of humanitarian assistance. In 2020, staff members of NGO ACTED were among eight people killed by armed assailants at a wildlife reserve.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While the constitution and other laws guarantee workers the right to join unions and bargain for wages, a large portion of the workforce is employed informally and lacks access to formal union representation. The legal definition of “essential” workers not permitted to strike is broad, and mandatory arbitration processes can be invoked to settle strikes.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 1 / 4**

The constitution provides for an independent judiciary and courts have shown some level of independence, though the judicial system is subject to executive interference. Rulings against opposition leaders and civil society activists have decreased trust in the judiciary.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Arbitrary arrests and imprisonments are frequent. Many people accused of crimes are held in pretrial detention for extended periods of time, sometimes in the same population as convicted individuals. In 2018, several military officers accused of plotting a 2015 coup received 5- to 15-year prison sentences, after spending over 2 years in pretrial detention.

States of emergency declared in several regions allow the army to engage in mass arrests and detain those suspected of links with terrorist organizations.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Nigeriens face insecurity due to ongoing militant activity. Several militant groups, including Boko Haram, are active within Nigerien territory and are known to attack civilians and military personnel.

Armed attacks took place throughout 2021, especially in Tillabéri and Tahoua. In January, suspected militants killed at least 100 civilians when they attacked two villages in Tillabéri. In March, at least 137 people were killed when gunmen attacked three villages in Tahoua. In August, Boko Haram reportedly attacked an army outpost in Diffa Region; 16 soldiers were killed along with approximately 50 militant fighters.

A reliance on nonstate armed groups to conduct counterterrorism operations has inflamed intercommunal tensions near the Niger-Mali border, leading to instances of violence. The government has imposed states of emergency within the regions of Diffa, Tillabéri, and Tahoua over ongoing insecurity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The rights of ethnic minority groups are protected by law. While two ethnic groups, Hausa and Zarma (or Djerma), have dominated economic leadership positions, Tuareg and Arabs are increasingly represented. Same-sex sexual activity is not illegal in Niger, but same-sex relationships are highly stigmatized, and there is no protection against discrimination based on sexual orientation. Although the 2010 constitution prohibits gender discrimination, women suffer widespread discrimination in practice. The application of the law by customary courts often discriminates against women.

Niger has made efforts to accommodate Malian and Nigerian refugees as well as IDPs. In July 2021, the Bazoum administration committed to repatriating 100,000 IDPs to their home villages by December. The government also promised to take extra measures to guarantee the security of IDPs and refugees. Several international NGOs voiced their concerns over the risk of exposing these communities to further violence upon their repatriation. In an August operational update, the UNHCR reported that 40,000 people returned to their home villages.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The constitution guarantees freedom of movement, but this is hampered by militant activity and bribery by security officials who guard checkpoints. COVID-19-related movement restrictions were also imposed for part of 2020. Air travel resumed in August 2020 and land borders reopened in June 2021, though travel was still governed by pandemic measures at the end of 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Several complications undermine legal guarantees of the right to own property. Few people hold formal ownership documents for their land, though customary law provides

some protection. The enforcement of both state and customary law often gives way to tension and confusion. Women have less access to land ownership than men due to inheritance practices and inferior status in property disputes.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Family law gives women inferior status in divorce proceedings. Female genital mutilation (FGM) was criminalized in 2003 and has declined, but it continues among a small percentage of the population. Penalties for rape are heavy, but societal attitudes and victims' fears of retribution discourage reporting, and when rape is reported it is often poorly investigated. Domestic violence is not explicitly criminalized, though women may lodge criminal allegations of battery against partners. Some cases have resulted in convictions, but reporting is similarly discouraged in practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Although slavery was criminalized in 2003 and banned in the 2010 constitution, it remains a problem in Niger. Estimates of the number of enslaved people vary widely but is generally counted in the tens of thousands. Niger remains a source, transit point, and destination for human trafficking.

Nigeria

Population: 211,400,000

Capital: Abuja

Freedom Status: Partly Free

Electoral Democracy: No

Overview: While Nigeria has made significant improvements to the quality of its elections since the 1999 transition to democratic rule, the 2019 presidential and National Assembly elections, which saw President Muhammadu Buhari reelected and the All Progressives Caucus (APC) regain its legislative majority, were marred by irregularities. Corruption remains endemic in the key petroleum industry. Security challenges, including insurgencies, kidnappings, and communal and sectarian violence in the Middle Belt region, threaten the human rights of millions of Nigerians. The military and law enforcement agencies often engage in extrajudicial killings, torture, and other abuses. Civil liberties are undermined by religious and ethnic bias, while women and LGBT+ people face pervasive discrimination. The vibrant media landscape is impeded by criminal defamation laws, as well as the frequent harassment and arrests of journalists who cover politically sensitive topics.

KEY DEVELOPMENTS IN 2021

- In May, Abubakar Shekau, the leader of the Boko Haram militant group, died by suicide after being captured by the Islamic State West Africa Province (ISWAP), a Boko Haram splinter group. Over 1,000 fighters and relatives reportedly surrendered in subsequent weeks.
 - ISWAP continued to launch violent attacks during the year. Aid workers sheltered in a bunker when the group attacked the town of Dikwa in March, while ISWAP launched two attacks against a military base in Borno State in May.
-

- In June, Nnamdi Kanu, the leader of the separatist Indigenous People of Biafra (IPOB), was arrested and returned to Nigeria, where he was accused of charges including treason. Kanu's lawyer accused the Kenyan government of mistreating him before returning him to Nigeria, which it denied; Kanu remained in custody at year's end.
- The IPOB called on southeasterners to remain home in response to Kanu's arrest, which residents reportedly complied with for fear of violence. The group's instructions and armed attacks against electoral offices impacted the Anambra state gubernatorial election in November; only 10 percent of voters participated, the lowest turnout recorded there since 1999.

POLITICAL RIGHTS: 20 / 40 (-1)

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president can serve a maximum of two four-year terms and is elected by a qualified majority vote. The president must also win at least 25 percent of the votes cast in 24 states. President Buhari of the APC was reelected in February 2019, winning 53 percent of the vote. People's Democratic Party (PDP) candidate Atiku Abubakar won 39 percent. Other candidates shared 8 percent.

A one-week voting delay, announced on the morning of the election, undermined confidence in the Independent National Electoral Commission (INEC). International observers noted serious irregularities when the election was held, including election-related violence, vote buying, and the intimidation of election officials and voters. Turnout was among the lowest seen in Nigeria, at 35.7 percent. Abubakar legally challenged the results that March, but the Supreme Court dismissed his appeal that October.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Members of the bicameral National Assembly, consisting of the 109-seat Senate and the 360-seat House of Representatives, are elected for four-year terms.

Legislative elections were held concurrently with the February 2019 presidential election. According to INEC, the APC won 212 seats, the PDP won 127, the All Progressives Grand Alliance (APGA) won 10, and another 7 parties won the remainder. In the Senate, the APC won 63 seats, the PDP won 44, and the Young Progressives Party (YPP) won 1. One Senate seat was reported vacant.

Observers reported irregularities including violence, intimidation of voters and officials, and vote buying. They also noted incidents where party officials directed voters on how to cast ballots at polling stations. INEC declined to certify winning candidates in two races because local returning officers operated under duress.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The 1999 constitution and the Electoral Act of 2010 provide Nigeria's legal electoral framework. In 2018 and 2019, the National Assembly passed Electoral Act amendments designed to strengthen equal airtime obligations for broadcasters, make the voter register and election results more accessible to voters, and extend federal electoral regulations to local races. President Buhari repeatedly vetoed the bill during this period, citing inconsistencies with existing law. The National Assembly passed an Electoral Act Amendment Bill

in November 2021. Buhari declined to sign it in December, objecting to its provisions for party primary contests.

European Union observers reported that the 2019 national elections were administered in general accordance with existing procedures but warned that the delay to presidential and congressional races that February affected turnout, confused voters, and undermined confidence in the electoral process. Other observers noted INEC's apparent lack of preparedness; its electoral security committee, cochaired by the national security adviser, was not in operation by election day.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Nigerians generally have the right to organize in different political parties. There were 91 registered parties and 73 presidential candidates in 2019, the largest number of parties and candidates since the 1999 transition to democracy. INEC removed 74 parties from the register in 2020, citing their inability to win the support of a sufficient number of voters and lack of representation nationwide. While 22 parties won an appeals court judgment that year, the Supreme Court ruled in favor of INEC's original decision in May 2021.

A constitutional amendment signed by President Buhari in 2018 allowed independent candidates to compete in federal and state elections. Buhari also signed a "Not Too Young to Run" bill that same month, lowering the age of eligibility to run for political office from 40 to 35 years. However, a lack of internal party democracy and high fees make it difficult for prospective candidates to vie for major-party nominations.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Nigeria's multiparty system provides an opportunity for opposition parties to gain power through elections, as demonstrated by Buhari's 2015 victory over predecessor Goodluck Jonathan. Buhari's election marked the first time in Nigerian history that a sitting president was peacefully replaced. Opposition parties can also gain influence when legislators cross the aisle; the APC lost its legislative majority when some of its legislators defected to the PDP during the 2015–19 term.

New political parties have successfully entered the National Assembly in recent years; the YPP won its first Senate seat in 2019. The APGA, which was formed in 2003, won 10 lower-house seats in 2019. However, the APC and PDP still hold most elected offices in Nigeria.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4 (-1)

Citizens' political choices remain impaired or undermined by vote buying and intimidation, the influence of powerful domestic and international economic interests, and the local domination of either the military or armed groups in some regions. Wealthy political sponsors, or "godfathers," dispense patronage and use their considerable influence to cultivate support for candidates who then use their offices to enrich their backers.

Local elections held in 2021 were seriously affected by the presence and activities of armed groups. Several INEC offices were attacked by unidentified assailants during the year, including in Anambra State, which held a gubernatorial election in November. Campaigns in Anambra State were restricted during the electoral period, as candidates faced harassment from armed individuals.

Residents of Anambra State and other areas were intimidated by the IPOB, which called on southeasterners to abide by stay-at-home orders after the June 2021 arrest of its leader. Residents reportedly complied with these instructions for fear of violence, though the IPOB issued stay-at-home instructions more selectively beginning in August. In October, it called on residents of Anambra and several other states to remain home before rescinding that call days ahead of the Anambra contest. Turnout in Anambra State stood at 10 percent, the lowest recorded there since the transition to democratic rule.

Score Change: The score declined from 2 to 1 due to rising violence involving armed groups that has included attacks on election commission offices and disrupted political campaigns, particularly in the southeast.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Nigeria's legal framework generally provides for equal participation in political life by the country's various cultural, religious, and ethnic groups. However, politicians and parties often rely on voters' ethnic loyalties, and the interests of a given group may be poorly addressed in areas where it forms a minority or when affiliated parties are not in power.

Women enjoy formal political equality, but restrictive societal norms limit their participation in practice. Only 8 women hold Senate seats, while 13 hold House of Representatives seats. Women are poorly represented in the cabinet; Buhari named 7 women to his 43-seat cabinet in July 2019.

Same-sex relationships were criminalized and LGBT+ advocacy groups were banned in 2014, when former president Jonathan signed the Same-Sex Marriage (Prohibition) Act. Openly LGBT+ people are deterred from running for office or working to advance their political interests.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Elected officials generally make and implement policy in Nigeria, but are impaired by factors including corruption, partisan conflict, poor control over areas where militant groups are active, and the president's undisclosed health problems, which have caused him to seek treatment abroad in recent years.

President Buhari has demonstrated a willingness to obstruct government bodies. In 2019, for example, Buhari appointed an economic advisory council that superseded a constitutionally mandated economic-management body chaired by Vice President Yemi Osinbajo.

C2. Are safeguards against official corruption strong and effective? 1 / 4

The government has attempted to reduce corruption in public and private institutions, but the practice remains pervasive, particularly in the oil and security sectors. A whistleblower policy introduced in 2016, which rewards Nigerians who provide information on government corruption, has led to the recovery of significant monies in recent years. Customs officials have been known to smuggle goods through porous customs checks in return for bribes.

Senior law enforcement and anticorruption officials have faced corruption allegations in recent years. In February 2021, Abdulrasheed Bawa was appointed chief of the Economic and Financial Crimes Commission, following the 2020 suspension of former acting chief Ibrahim Magu over alleged ethics breaches. In July 2021, Deputy Commissioner of Police

Abba Kyari was suspended pending a US Federal Bureau of Investigation (FBI) investigation into his alleged links to a money laundering scheme.

Nigerian politicians have been locked in an effort to curb corruption in the petroleum sector since at least 2001, when legislators first considered an expansive Petroleum Industry Bill (PIB). Legislators later split the PIB into several components to secure its passage, though this effort was unsuccessful. In late 2020, President Buhari introduced a new PIB, which was passed in July 2021 and signed into law in August.

C3. Does the government operate with openness and transparency? 2 / 4

The 2011 Freedom of Information Act (FOIA) guarantees the right to access public records, but nongovernmental organizations (NGOs) have criticized government agencies for routinely refusing to release information sought through the law. The law has also encountered resistance in some states. As of May 2021, 2 states passed their own version of the FOIA. The other 34 have neither adopted the FOIA nor have they developed their own legislation.

CIVIL LIBERTIES: 23 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

Freedoms of speech, expression, and the press are constitutionally guaranteed. However, these rights are limited by sedition, criminal defamation, and so-called false-news laws. Sharia (Islamic law) statutes in 12 northern states impose severe penalties for alleged press offenses. Internet service providers sometimes block websites at the request of the Nigerian Communications Commission, particularly those advocating independence for the secessionist state of Biafra, which collapsed in 1970. The government has accused journalists of undermining national security when reporting on operations against Boko Haram. Officials restrict press freedom by publicly criticizing, harassing, and arresting journalists, especially when they cover corruption, human rights violations, separatist and communal violence, or other politically sensitive topics. In July 2021, the National Broadcasting Commission (NBC), the media regulator, called on television broadcasters to limit their reporting on unrest, saying detailed reporting may impact security operations.

Legislators considered amendments to the Nigerian Press Council (NPC) Act and the NBC Act that would have given the president more power to appoint NPC members while giving the NBC regulatory powers over “all online media.” The amendments would have instituted fines and jail terms for proscribed offenses. The amendments’ sponsor announced that their consideration was suspended in July 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom is constitutionally protected, but the government has also embarked on crackdowns against religious groups that have questioned its authority. Nigeria has been locked in a long struggle against Boko Haram, a militant group that has itself targeted moderate Muslims and Christians along with their respective houses of worship. State and local governments have been known to endorse de facto official religions in their territory, placing limits on religious activity.

The government’s conflict with the Islamic Movement of Nigeria (IMN), a Shiite Muslim group that advocates for Islamic rule in Nigeria, escalated in 2019, when an Abuja court banned it and labeled it a terrorist organization. The IMN considers its leader, Sheikh

Ibrahim el-Zakzaky, to be the ultimate source of authority in Nigeria, and does not recognize the government in Abuja.

The government has responded violently to IMN activity in recent years. In 2015, security forces raided el-Zakzaky's compound, arrested him and his wife, and killed at least 300 IMN members. Dozens more were killed in a 2018 army operation. In September 2021, 8 people were killed and 57 were arrested when security forces and the IMN clashed in Abuja.

Despite a 2016 court order to release him, el-Zakzaky and his wife were only freed in 2019 to seek medical attention in India. El-Zakzaky elected to return to Nigeria, citing interference in his medical care and security restrictions in India. In 2020, reports surfaced that a homicide trial against el-Zakzaky and his wife had begun in the Kaduna High Court. While the court dismissed the charges and freed the two in July 2021, the Kaduna state government appealed and filed new charges against them.

Individuals who express nonbelief can face legal consequences. In 2020, Mubarak Bala, a humanist, was arrested in Kaduna State for social media comments criticizing Islam. Bala, who was charged with blasphemy, was transferred to Kano State, and remained detained as of August 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The federal government generally respects academic freedom. However, some state governments mandate religious instruction in elementary and secondary curriculums and student admission and faculty hiring policies are subject to political interference.

Schoolchildren have been affected by Boko Haram's assault on secular education, which has caused the closure or destruction of primary, secondary, and tertiary institutions. Schoolchildren have also been abducted by Boko Haram. In late 2020, Boko Haram claimed responsibility for the disappearance of over 300 students in Katsina State, though they were released a week later. In August 2021, one of the 270 students abducted by Boko Haram in Borno State in 2014 was released; Boko Haram was still believed to hold 113 of them as of her release.

Criminals seeking ransom also target schoolchildren. Between December 2020 and July 2021, armed gangs abducted over 1,000 students from northern schools for ransom. In April, Amnesty International reported that over 600 northern schools were closed due to the risk of abduction.

Students have faced ill-treatment in unregulated Islamic schools, which have operated for decades. Some parents have patronized these schools for corrective services, as a robust juvenile-rehabilitation system is lacking in much of Nigeria.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Nigerians are generally free to engage in discussions on politics and other topics, though expression of critical views on political leaders or sensitive subjects like the military, religion, and ethnicity occasionally leads to arrests or violent reprisals.

By 2018, the National Assembly passed a Digital Rights and Freedom Bill, which would expand freedom of expression online by regulating government surveillance and prohibiting the suspension of internet services. The bill was sent to Buhari in 2019, who declined to sign it, stating that it covered too many technical subjects and did not address them extensively. Legislators reportedly expect that the bill will attain passage during the 2019–23 term.

The government targeted online platforms used by ordinary citizens and activists during 2021. In February, the central bank banned some transactions involving cryptocurrency, which supporters of the 2020 #EndSARS protests used to support their campaigns. Nigerians have reportedly continued to trade cryptocurrency despite the directive, however. In June, the government blocked access to Twitter after the company deleted a post from President Buhari threatening a violent response to unrest in the southeast. That restriction remained in force at year's end. Also in June, the NBC directed social network operators to apply for broadcast licenses, along with online broadcasting outlets.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 1 / 4

The right to peaceful assembly is constitutionally guaranteed. However, federal and state governments frequently ban public events perceived as threats to national security, including those that could incite political, ethnic, or religious tension. Rights groups have criticized federal and state governments for prohibiting or dispersing protests that are critical of authorities or associated with controversial groups, including the IPOB. IMN activities were banned in 2019 after an Abuja court classified it as a terrorist organization.

Authorities used force to disperse protests in 2021. In February, police physically attacked at least 6 protesters who opposed the reopening of the Lekki toll gate in Lagos; at least 12 people were killed by soldiers and police while protesting police brutality there in October 2020. Later in February, video surfaced of detained protesters being held in a physical position that may have indicated torture. In June, police in Abuja and Lagos deployed tear-gas to disperse antigovernment protests. Police reportedly harassed journalists covering the protests while destroying the mobile phones of some protesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nigeria has a broad and vibrant civil society. However, members of some organizations face intimidation and physical harm for speaking out against Boko Haram, or encounter obstacles when investigating alleged human rights abuses committed by the military against Boko Haram suspects. Groups operating in the restive Niger Delta region face intimidation.

Aid workers operating in the northeast are impeded by restrictions imposed by civilian and military officials as well as by the activities of armed groups. According to the UN Office for the Coordination of Humanitarian Affairs, humanitarian workers in Adamawa, Borno, and Yobe states reported 1,157 incidents where their work was impeded in the first quarter of 2021; one aid worker died during this period. In March, ISWAP attacked the town of Dikwa, forcing aid workers to shelter in a bunker. In April, the Office of the UN High Commissioner for Refugees (UNHCR) reported that its staff was forced to evacuate from the town of Damasak, which was also attacked by ISWAP.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers are constitutionally allowed to form and join trade unions, engage in collective bargaining, and conduct strikes. Nevertheless, the government forbids strike action in some essential services, including public transportation and security.

In April 2021, the Judiciary Staff Union of Nigeria (JUSUN) launched a strike and called for greater financial autonomy for the judicial branch. In June, JUSUN suspended its strike at the request of the National Judicial Council. In August, National Association of Resident Doctors (NARD) members launched a strike over pay, conditions, and a lack of

personal protective equipment. The NARD suspended the strike in October, citing progress in talks with the government.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence is constitutionally and legally enshrined. The judiciary has achieved some degree of independence and professionalism, but political interference, corruption, equipment, and training remain important problems.

Former Supreme Court chief justice Walter Onnoghen was suspended for allegedly maintaining undisclosed assets weeks before the 2019 presidential election, sparking fears of a politically motivated effort to remove him. Onnoghen was convicted of falsely declaring assets that April, receiving a 10-year ban from public office.

Funding is a problem for the judiciary. In 2020, President Buhari signed an executive order ostensibly giving state-level judiciaries and legislatures financial autonomy. Nigeria's 36 state governors sued the federal government that September, alleging that it sought to avoid its financial responsibilities through the order; the Supreme Court did not issue a ruling by the end of 2021.

F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail. Children with suspected Boko Haram ties face military detention according to a 2020 United Nations report.

Accountability for the use of force during the 2020 #EndSARS protests has been lacking. In November 2021, a panel of inquiry found that authorities attempted to conceal their actions at the Lekki toll gate. While the panel made 32 recommendations to the Lagos state government that month, the government fully accepted 11 and modified 6.

Nigerians in the southeast risked arbitrary arrest during the government's campaign against the IPOB's armed wing, which began in January 2021. Residents with no IPOB affiliation were arrested during the campaign.

In late June 2021, IPOB leader Nnamdi Kanu was arrested and returned to Nigeria, with Abuja accusing Kanu of charges including treason. In July, Kanu's lawyer accused the Kenyan government of mistreating him before returning him to Nigeria, which it denied. Later that month, the United Kingdom called on Abuja to explain the circumstances of Kanu's arrest; Kanu maintains British citizenship.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The military has been repeatedly criticized by local and international human rights groups for extrajudicial killings, torture, and other abuses, including during counterinsurgency efforts in the northeast and operations against separatist movements in the southeast.

In January 2021, the government launched a campaign targeting the IPOB's armed wing, the Eastern Security Network (ESN), which was formed in late 2020 and targeted police stations and other public buildings. Security personnel used excessive force and extrajudicially executed residents during their campaign. Amnesty International reported that security forces killed at least 115 people between March and June; many victims were not affiliated with the ESN.

Police have been accused of using excessive force. Amnesty International reported that the Special Anti-Robbery Squad (SARS) was responsible for at least 82 cases of torture, ill-treatment, or extrajudicial killings between 2017 and May 2020. Although SARS was dissolved in 2020, allegations of police abuse persist.

Sharia courts are known to impose the death penalty. In August 2020, a Sharia court in Kano State handed Yahaya Sharif-Aminu a death sentence over blasphemous comments. In January 2021, a court in Kano State overturned Sharif-Aminu's conviction and ordered a retrial.

Boko Haram remained active during 2021, though its operations were impacted by the May death of leader Abubakar Shekau, who died by suicide after being captured by ISWAP. Boko Haram was blamed for over 30,000 deaths under Shekau's leadership. The army reported that over 1,000 Boko Haram members and their relatives surrendered in subsequent weeks. Senior Boko Haram members either shifted their allegiance to ISWAP or surrendered.

ISWAP continued to launch attacks during 2021. In May, ISWAP attacked a military base in Borno State twice, killing 35 people. September, ISWAP killed at least 8 soldiers in an ambush in Borno State in September.

A rolling conflict between farmers and the Fulani, a seminomadic Muslim ethnic group, continued to destabilize northern Nigeria in 2021. The Fulani have abandoned degraded grasslands in the north, coming into increased conflict with farmers as they travel south to find new grazing lands.

Kidnapping and other forms of criminality are acute concerns. In July 2021, criminal gangs shot down a fighter jet on the border between Kaduna and Zamfara states, though the pilot survived. In October, security forces rescued 187 kidnapping victims in Zamfara State, several weeks after they were taken captive.

Various vigilante groups are active in Nigeria. The National Assembly unsuccessfully attempted to give official recognition to the Vigilante Group of Nigeria (VGN) in 2017 and 2019. In November 2021, the lower house passed a bill to extend official powers to the VGN.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Despite constitutional safeguards against ethnic discrimination, many ethnic minorities experience bias by state governments and other societal groups in areas including employment, education, and housing.

Women are subject to widespread societal discrimination regarding matters such as education and employment. Many poor families choose to send sons to school while daughters become street vendors or domestic workers. Women also face significant legal disadvantages in states governed by Sharia statutes.

LGBT+ Nigerians face widespread official and societal discrimination. Nigerians convicted of engaging in same-sex relationships can be imprisoned for as long as 14 years, while 12 northern states maintain the death penalty for same-sex relations. LGBT+ people are also subject to assault by police officers during arrests, extortion attempts, and discrimination when accessing public and private services. A 2019 survey showed widespread opposition to LGBT+ rights, with 74 percent of respondents supporting prison sentences for those engaging in same-sex activity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16 (-1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

While the freedom of movement is legally guaranteed, security officials frequently impose dusk-to-dawn curfews and other movement restrictions in areas affected by communal violence or by militant activities. The UNHCR reported that 2.2 million people were internally displaced as of December 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4 (-1)

Nigeria's poorly regulated property rights system hinders citizens and private businesses from engaging in the efficient and legal purchase or sale of property, including land. Bribery is a common practice when starting a business and registering property. Women belonging to certain ethnic groups are often denied equal rights to inherit property due to customary laws and practices.

However, the climate for private enterprise in recent years has benefited from advancements in credit accessibility, ease of starting a business, ease of paying taxes, and property registration.

The property rights of Fulani and of farmers are affected by violence as Fulani travel south to find new grazing lands. Herding groups' grazing lands have been used for cultivation, while Fulani herders have been observed expropriating farmers' land and crops. In May 2021, 17 state governors called for an open-grazing ban but President Buhari voiced his disagreement, questioning the proposal's legality.

Score Change: The score declined from 2 to 1 because the government has failed to protect the rights of farmers and herders who have had their land and property expropriated amid escalating communal violence in recent years.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Despite the existence of strict laws against rape, domestic violence, female genital mutilation (FGM), and child marriage, these offenses remain widespread, with low rates of reporting and prosecution. Women and girls in camps for displaced persons have reported sexual abuse by members of the military and other authorities. Boko Haram's attacks on women's rights have been particularly egregious, with victims often subjected to forced marriage and rape, among other acts.

Abortion is illegal unless the life of the mother is in danger. As a result, many women seek out dangerous illegal abortions, finding themselves at risk of medical complications. Women who face such complications often do not receive further medical treatment.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Nigerian organized crime groups are heavily involved in human trafficking. Boko Haram has subjected children to forced labor and sex slavery. Both Boko Haram and a civilian vigilante group that opposes the militants have forcibly recruited child soldiers, according to the US State Department.

Meanwhile, implementation of the 2003 Child Rights Act, which protects children from sexual exploitation and other abuses, remains uneven; at the end of 2021, UNICEF noted that eight northern states have not implemented the legislation, though all eight were in the process of doing so.

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) continues to rescue trafficking survivors and prosecute some suspected traffickers, but its funding is reportedly inadequate and labor traffickers face few prosecutions. Survivors often find their

freedom of movement withheld by NAPTIP in poorly managed shelters and experience discrimination when seeking access to public services after their release.

North Korea

Population: 25,900,000

Capital: Pyongyang

Freedom Status: Not Free

Electoral Democracy: No

Overview: North Korea is a one-party state led by a dynastic totalitarian dictatorship. Surveillance is pervasive, arbitrary arrests and detention are common, and punishments for political offenses are severe. The state maintains a system of camps for political prisoners where torture, forced labor, starvation, and other atrocities take place. While some social and economic changes have been observed in recent years, including a growth in small-scale private business activity, human rights violations are still widespread, grave, and systematic.

KEY DEVELOPMENTS IN 2021

- The government continues to sharply restrict internal movement and has instituted shoot-to-kill orders at the border. In July, soldiers allegedly killed three Chinese sailors on a fishing boat that landed on a North Korean island to avoid Typhoon In-Fa.
- Authorities rejected offers from the World Health Organization (WHO) to provide the government with COVID-19 vaccines in September. They continue to claim that no infections or deaths attributed to the virus have been confirmed.
- North Korean forces resumed missile testing in March after a year pause, showcasing a range of new missile capabilities. The unresolved conflict with South Korea around North Korea's nuclear weapons program poses a threat to physical security, and negotiations with Seoul and Washington were stalled throughout the year.

POLITICAL RIGHTS: 0 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Kim Jong-un became the country's supreme leader in 2011 after the death of his father, Kim Jong-il, who had led North Korea since the 1994 death of his father. In 2016, the State Affairs Commission (SAC) became the country's top ruling organ, and Kim Jong-un was named its chairman.

In 2019, Kim was reelected as SAC chairman by the Supreme People's Assembly (SPA), the country's unicameral legislature, and given the new title of "supreme representative of all the Korean people and the supreme leader of the Republic."

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Members of the 687-seat SPA are elected to five-year terms. All candidates are preselected by the Democratic Front for the Reunification of the Fatherland (DFRF), a coalition dominated by the ruling Korean Workers' Party (KWP) alongside a handful of subordinate

parties and organizations. Each candidate then runs unopposed. Voting is compulsory for citizens who are at least 17 years old, and turnout commonly approaches 100 percent.

SPA elections were held in 2019, for all 697 seats filled by preselected candidates. Turnout was reported at 99.99 percent. Local elections were also held that year filling 27,876 posts with similar voter turnout.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Although there is a clear framework for conducting elections, including official election monitors, the system's structure denies voters any choice and rules out opposition to the incumbent leadership. The government uses the mandatory elections as an unofficial census, tracking whether and how people voted, and interpreting any rejection of the preselected candidates as treason.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

North Korea is effectively a one-party state. Although a small number of minor parties and organizations legally exist, all are members of the DFRF.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Any political dissent or opposition is prohibited and harshly punished. The country has been ruled by the KWP since its founding, which has always been controlled by the Kim family. Kim Jong-un was promoted from chairman to secretary general of the KWP in January 2021. His late father, Kim Jong-il, was dubbed the "eternal general secretary" of the party after his death.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

There is no opportunity for public political participation, and even KWP elites operate under the threat of extreme penalties for perceived dissent or disloyalty. The party is subject to regular purges aimed at reinforcing the Kim Jong-un's personal authority, and the regime has executed senior officials who have fallen out of favor.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

North Korea is ethnically homogeneous, with only a small Chinese population and a few non-Chinese foreign residents. With few exceptions, foreigners cannot join the KWP or serve in the military or government. Religious groups are harshly suppressed and unable to organize politically. Women hold few leadership positions in ruling bodies and hold only 121 of the SPA's 687 seats; the system does not allow these representatives to independently address the interests of women. The government typically denies the existence of LGBT+ people in North Korea.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

North Korea has no freely elected officials. Kim Jong-un and his inner circle determine the policies of the government, and the SPA gathers periodically to unanimously approve all decisions. High-level officials are subject to constant churn based on their performance and their perceived loyalties to Kim Jong-un.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is believed to be endemic at every level of the state and economy, and government officials commonly engage in bribery. There are no independent or impartial anticorruption mechanisms.

Small-scale local markets have become prime targets of corrupt police officers, who solicit bribes from the operators and detain those who cannot pay. Market participants also pay bribes to supervisors at their official workplaces, to avoid discipline or imprisonment for abandoning their state-assigned roles.

C3. Does the government operate with openness and transparency? 0 / 4

The government is neither transparent in its operations nor accountable to the public. Information about the functioning of state institutions is tightly controlled for both domestic and external audiences.

The authorities heavily restricted information about the presence of the COVID-19 pandemic in the country during 2021. Officials disclosed only fragmentary data regarding key aspects of public health measures, such as quarantines and testing. Authorities rejected offers from the WHO to provide the government with COVID-19 vaccines in September 2021; they continue to claim that no infections or deaths attributed to the virus have been confirmed.

CIVIL LIBERTIES: 3 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 0 / 16

D1. Are there free and independent media? 0 / 4

All domestic media outlets are run by the state. Televisions and radios are permanently fixed to state channels, and all publications and broadcasts are subject to strict supervision and censorship. The government occasionally allows a small number of foreign books, films, and television programs to be distributed and aired in the country, but this remains rare.

In recent years, several foreign news agencies have established bureau offices in Pyongyang, however their access is tightly controlled, and the government has been known to expel media crews in retaliation for their work. Select foreign media services are often invited to the country to cover key political events and holidays, although authorities strictly manage their visits.

Several US and South Korean media outlets broadcast shortwave and medium-wave Korean-language radio programming into North Korea, though the government works to jam their stations.

Campaigns to send information into the country via USB thumb drives, SD cards, and leaflets are common, and North Koreans often modify their radios to receive foreign broadcasts. However, South Korean authorities have banned the transmission of leaflets and other information across the border without government permission. The consumption of foreign radio broadcasts and possession of contraband devices are illegal, as are the facilitation and nonreporting of such activity; all are subject to severe punishment under North Korea's "anti-reactionary thought" law, up to and including the death penalty.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Although freedom of religion is guaranteed by the constitution, it does not exist in practice. State-sanctioned churches maintain a token presence in Pyongyang, and some North Koreans are known to practice their faith furtively. However, intense state indoctrination and repression preclude free and open exercise of religion. Crackdowns are common, and those caught are arrested and subjected to harsh punishments, including imprisonment in labor camps. Foreigners caught proselytizing also risk arrest and detention. As of May 2021, the nongovernmental organization (NGO) Christian Solidarity Worldwide estimates that approximately 200,000 people are being held in prison camps, many due to their Christian beliefs.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

There is no academic freedom. The state must approve all curriculums, including those of educational programs led by foreigners. Although some North Koreans are permitted to study abroad at both universities and short-term educational training programs, those granted such opportunities are subject to monitoring and reprisals for perceived disloyalty.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

Nearly all forms of private communication are monitored by a huge network of informants. Domestic third-generation (3G) mobile service has been available since 2008, with an estimated five or six million users nationally. Mobile phones operating on this network are used as surveillance tools by the state, which can review individuals' application usage and intranet browsing history and take screenshots of their activity. Newer mobile phones have been designed to block users' efforts to consume contraband media.

Ordinary mobile users do not have access to the global internet but can connect to a state-run intranet. Only a small number of elites have internet access, reaching it through their own service. Domestic and international mobile services are kept strictly separate, and crackdowns on users with Chinese-origin phones have been reported.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is not recognized, and participants in any unauthorized gatherings are subject to severe punishment, including prison sentences.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

There are no legal associations or organizations other than those created by the state and ruling party.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Strikes, collective bargaining, and other organized labor activities are illegal and can draw severe punishment for participants, including prison sentences.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

North Korea's judiciary is subordinate to the political leadership in law and in practice. According to the constitution, the Central Court, the country's highest court, is accountable to the SPA, and its duties include protecting "state power and the socialist system."

F2. Does due process prevail in civil and criminal matters? 0 / 4

Fundamental due process rights, including freedom from arbitrary detention and the right to a fair trial, are systematically denied. As many as 200,000 prisoners are believed to be held in internment camps in the country. Foreign visitors are also at risk of arbitrary detention. At least four South Korean citizens remain in custody as of 2021, having been accused of a range of crimes, including espionage and kidnapping.

In 2020, unofficial reports claimed the government had granted a mass amnesty to inmates who had displayed model behavior during their sentences. In August of that year, the SPA Presidium reportedly decreed an amnesty for those who had been convicted of crimes against the country and its people, set to take effect in September. It remains unclear how many prisoners were affected by the two reported amnesties.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Documented North Korean human rights violations include widespread torture, public executions, forced labor by detainees, and death sentences for political offenses. Defectors who seek safety in third countries are sometimes returned to North Korea, where they are subject to torture and disproportionate punishment. China's government considers North Korean escapees to be irregular economic migrants and regularly turns them back, violating international law.

There are currently strict pandemic containment measures and border controls in place, including shoot-to-kill orders for illegal exit or entry. In July 2021, soldiers allegedly killed three Chinese sailors on a fishing boat that landed on a North Korean island to avoid Typhoon In-Fa.

The unresolved conflict with South Korea around North Korea's nuclear weapons program poses a threat to physical security, and negotiations with Seoul and Washington remained stalled in 2021. North Korean forces resumed missile testing in March after a year pause, showcasing a range of new missile capabilities.

A 2021 United Nations (UN) report on human rights in North Korea noted that forced labor and torture were still rampant in the prison system, and that citizens often paid bribes to avoid arrest, mitigate their treatment in detention, and secure family visits.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Discrimination is commonly based on perceived political and ideological nonconformity. All citizens are classified according to their family's level of loyalty and proximity to the leadership under a semihereditary caste-like system known as *songbun*. Those who are classified as "wavering" or "hostile" instead of "loyal" face official discrimination in employment, live in poorer housing, and receive limited educational opportunities, though rules can be manipulated through bribery. Relatives of suspected political and ideological dissidents, including defectors, are also subject to punishment in what amounts to guilt by association.

The ethnic Chinese population in North Korea has limited educational and employment opportunities, but somewhat more freedom of travel and trade. In 2021, the government reportedly began punishing those who slander China or North Korea's ethnic Chinese residents.

Women have legal equality but face rigid discrimination in practice and are poorly represented in public employment and the military. Despite fewer opportunities in the formal sector, women are economically active outside the socialist system, which can expose them to arbitrary state interference.

The law does not explicitly prohibit same-sex relations, but the government maintains that the practice does not exist in the country.

North Korea has historically denied the rights of people living with disabilities. Defectors report that disabled people have been quarantined, exiled, forcibly sterilized, experimented on, and sometimes executed. The UN special rapporteur for disability rights visited North Korea in 2017 but was escorted by government minders, prohibited from reviewing internal data, and denied access to a mental health institution during her trip.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Residents have no freedom of movement, and forced internal resettlement is routine. Emigration is illegal. In recent years, authorities have employed stricter domestic controls to arrest the flow of defectors. The number of defectors arriving in South Korea dropped to only 63 in 2021 amid tighter pandemic-related travel restrictions across the region.

The regime imposed severe new limits on movement in response to COVID-19 during 2020 for security forces patrolling restricted border zones. In 2021, authorities reportedly enforced quarantines and other strict policies with fines and house searches to test for suspected coronavirus cases.

A person's *songbun* classification affects their place of residence as well as employment and educational opportunities, access to medical facilities, and even access to stores. All foreign travel—whether for work, trade, or education—is strictly controlled by the government. Freedom of movement for foreigners is also limited and subject to arbitrary constraints.

Most North Korean workers cannot freely choose their employment, with the government assigning men and unmarried women to their positions and often denying monetary compensation. Workers, especially women, seek informal employment to earn an income; they pay official employers bribes to cover their absences.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The formal economy remains both centrally planned and grossly mismanaged. A lack of infrastructure, scarcity of energy and raw materials, lingering foreign debt, and ideological isolation also hobble business activity in the country.

Informal and government-approved private markets and service industries have provided many North Koreans, especially women, a growing field of activity that is somewhat free from government control. However, the COVID-19 pandemic has hampered access to goods to sell in those markets, limiting people's ability to earn discretionary income. This has also increased dependence on domestic food production and distribution, causing growing concerns about a humanitarian food crisis.

Local officials have had some discretion in the management of special economic zones and over small-scale experiments with market-oriented economic policies.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Men and women have formal equality in personal status matters such as marriage and divorce. However, sexual and physical violence against women—in the home, prisons and labor camps, and in other contexts—is common, and victims have little legal recourse. There are no specific legal penalties for domestic violence. UN bodies have noted the use of

forced abortions on pregnant women when forcibly repatriated from China and infanticide of half-Chinese children.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Forced labor is common in prison camps, mass mobilization programs, and state-run contracting arrangements in which North Korean workers are sent abroad. Human trafficking networks, sometimes operating with the assistance of government officials, target North Korean women; those ensnared are subject to sex slavery and forced marriages, often in China. Some women have also turned to prostitution to survive in recent years and are exploited by their employers and the police.

Economic opportunities are also hampered by international sanctions imposed in response to North Korea's continued nuclear pursuits. Since 2016, sanctions have targeted civilian industries including textiles and seafood. North Korea has also been cut off from the international banking system. While this has not deterred North Korea's pursuit of nuclear weapons, it has created growing difficulties for those dependent on markets and quasi-private businesses.

North Macedonia

Population: 2,100,000

Capital: Skopje

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: North Macedonia is a parliamentary republic. Tensions in the wake of a 2017 parliamentary crisis have receded, with subsequent polls being conducted in a calmer environment. North Macedonia continues to struggle with corruption and clientelism. While media and civil society participate in vigorous public discourse, journalists and activists still face pressure and intimidation.

KEY DEVELOPMENTS IN 2021

- The ruling Social Democratic Union of Macedonia (SDSM) performed poorly in the October local elections while the opposition Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO-DPMNE) did well, winning 22 mayoral races in the first round. Organization for Security and Co-operation in Europe (OSCE) observers called the polls competitive but also noted accusations of intimidation and vote-buying.
 - Prime Minister Zoran Zaev announced his intention to resign after the local elections and formally stepped down in late December, after securing a renewed governing coalition. Deputy Finance Minister Dimitar Kovacevski then became prime minister-designate, remaining in that effective post at year's end.
 - North Macedonia carried out its first census since 2002 in September, with final results expected in 2022. Members of the ethnic Albanian and Turkish communities voiced concerns over representation based on the results, though Zaev promised that the rights of established communities would not be affected.
 - The Bulgarian government maintained its block on North Macedonian talks to join the European Union (EU) during the year, though Bulgarian prime minister Kiril Petkov expressed an interest in renewing talks with Skopje in a December interview.
-

POLITICAL RIGHTS: 28 / 40 (+1)**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The president is elected to as many as two five-year terms through a direct popular vote. President Stevo Pendarovski of the SDSM won his first term in May 2019, taking 51.7 percent of the vote against opponent Gordana Siljanovska-Davkova's 44.8 percent. Voter turnout was 46.7 percent—a low figure, but one consistent with recent North Macedonian elections. OSCE observers called the election free and credible, despite some technical challenges involving voter rolls and infrastructure, among other issues.

The unicameral Assembly elects the prime minister, who is head of government and holds most executive power. Parliamentary elections held in July 2020 resulted in a virtual tie, with the SDSM barely ahead of the VMRO-DPMNE. The SDSM formed a coalition government with smaller left-wing and ethnic minority parties, with Zaev's new cabinet being approved by the end of August.

Zaev announced his intention to resign in late October 2021, after the SDSM fared poorly in that month's local elections, and resigned as party leader in November. Zaev formally stepped down as prime minister in late December, after securing the Alternative Party's parliamentary support. Deputy Finance Minister Kovacevski became SDSM leader in mid-December and was named prime minister-designate a week after Zaev formally stepped down. Kovacevski's cabinet must be approved by the Assembly within 20 days of his appointment.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the 120-seat Assembly are elected by proportional representation to four-year terms.

The July 2020 polls showed improvement from previous years, with instances of vote-buying, intimidation, and other misconduct reported less frequently. OSCE observers called the poll well-managed and free, but criticized last-minute changes to the electoral framework. The SDSM won 35.9 percent of the vote and 46 seats, while the VMRO-DPMNE won 34.6 percent and 44 seats. The Democratic Union for Integration (BDI), an ethnic Albanian party, won 11.5 percent and 15 seats, while the Alliance for Albanians–Alternative Party alliance won 9 percent and 12 seats.

Local elections were held in two rounds in October 2021. The VMRO-DPMNE won 22 mayoral races in the first round based on preliminary results, while the SDSM won 9 and the BDI won 3. VMRO-DPMNE-backed candidate Danela Arsovska won the Skopje mayoralty in the second round, defeating SDSM incumbent Petre Shilegov. OSCE observers called the local contests competitive and largely fair, but reported accusations of vote-buying, pressure on candidates to withdraw, and pressure on public employees to vote for specific candidates.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Election laws have deficiencies, though the overall accessibility of election results and reporting by the State Election Commission (DIK) has improved since 2019. Ambiguities in election laws that remain unaddressed include candidate-registration regulations and resolution mechanisms for election-related disputes. OSCE observers have previously expressed concerns about inaccuracies in the electoral roll.

In 2018, the government held a referendum to approve the Prespa Agreement, signed with Greece, to change the country's name to North Macedonia. While the referendum did not reach the required 50 percent turnout, 90 percent of voters who participated voted in favor. OSCE observers called the results credible but said content had been inadequately explained to voters, and the DIK lacked transparency in carrying out the poll. The Prespa Agreement was ratified in 2019, despite the low turnout.

OSCE observers reported that the DIK was transparent in reporting results from the October 2021 local contests. However, the DIK was affected by vacancies in some positions and by electoral-law amendments passed only in mid-September. Voters also encountered biometric failures and other technical issues during the polls.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4 (+1)

The constitution protects the right to establish and join political parties, though patronage networks hamper democratic competition. While violence occurred in the parliament in 2017, in response to the selection of a SDSM-backed parliament speaker, tensions have since lessened.

Both the main center-left and center-right blocs lost votes in the 2020 parliamentary elections to ethnic Albanian minority parties and a far-left party, Levica, which won two seats and entered the Assembly for the first time.

Independent candidates also participated in the October 2021 local elections. VMRO-DPMNE-backed Skopje mayoral candidate Arsovska, for example, ran as an independent. OSCE observers noted the Bosniak Democratic Union's first independent campaign in these elections, while parties representing Serbian and Turkish communities additionally maintained their own campaigns.

Score Change: The score improved from 3 to 4 because more political parties and independent candidates are competing in national and local races.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

In 2017, power rotated from the right-wing nationalist party, the VMRO-DPMNE—which had governed since 2006—to the left-leaning SDSM, which had governed through much of the 1990s and early 2000s. Before taking power in 2017, the SDSM had boycotted the parliament on several occasions over electoral-fraud claims and allegations of former prime minister Nikola Gruevski directing a wiretapping and surveillance program. However, competitive elections and the 2018 referendum reflected improvements in the country's electoral system.

The October 2021 local elections were marked by opposition gains. The VMRO-DPMNE won 22 mayoral races in the first round, while their preferred candidate won the Skopje mayoral race in the second round.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Voters are largely free to make political decisions, though reports of intimidation and vote-buying remain an issue, especially among Roma and other socially vulnerable groups. Patronage networks remain influential in political life and can influence political outcomes.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic Albanians make up 25 percent of the population according to the 2002 census, and a political party representing Albanians has sat in each ruling coalition. Roma remain politically marginalized, while Turkish, Serbian, and Bosnian minorities are comparatively well integrated.

A census was carried out in September 2021, though full results are not expected until March 2022. The BDI threatened not to recognize the results if ethnic Albanians represented less than 20 percent of the population, which is the legal threshold for the official use of a language and for public-sector employment quotas. Members of the ethnic Turkish community also voiced concerns over the census, though Zaev pledged that established communities would not lose rights due to the results.

Despite the introduction of parity laws and joint initiatives on behalf of nongovernmental organizations (NGOs) and electoral authorities, societal attitudes discourage women from participating in politics. Women represent 41.7 percent of the Assembly but are not as well represented at the local level. In the October 2021 local elections, women represented 45 percent of first-round local-council candidates, but only 8 percent of mayoral candidates were female. Only two women, including Skopje mayor Arsovska, won mayoral posts by the second round.

Small LGBT+ advocacy groups are politically active, but LGBT+ people have little representation in politics. Parliamentarians established an LGBT+ working group in 2018, however.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The Assembly did not effectively function for much of 2017 due to VMRO-DPMNE attempts to prevent the formation of an SDSM-led government and due to the parliamentary altercation in which Zaev and other SDSM lawmakers were injured. A government was formed in mid-2017, allowing parliamentary activity to resume. The 2019 election of President Pendarovski, meanwhile, resolved an impasse between the legislature and executive that had persisted for years, as both bodies are now governed by the SDSM.

Parliamentary activity has sometimes been tense in recent years, however. In 2020, VMRO-DPMNE parliamentarians helped stall a proposal to allow Assembly members with COVID-19 or in isolation to convene online. In November 2021, after then prime minister Zaev voiced his intention to resign, the VMRO-DPMNE unsuccessfully attempted to replace the SDSM-led government through a no-confidence vote. The proceedings were marred by accusations that an Assembly member was kidnapped to keep the SDSM-led government in power, though the individual in question later said he declined to attend the parliamentary session.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious problem, and there has been widespread impunity for corrupt government officials, including members of parliament and the judiciary. While the EU praised the pace of reform in a 2020 report, the Council of Europe's Group of States against Corruption (GRECO) reported that North Macedonia had not fully implemented its anticorruption recommendations in its April 2021 report.

In March 2021, businessman Jordan "Orce" Kamcev was detained after authorities considered him an active flight risk; in 2020, Kamcev was suspected of engaging in money

laundering along with former prime minister Gruevski, who fled North Macedonia in 2018. Prosecutors successfully argued that Kamcev should remain in detention in a December 2021 hearing, claiming that he was planning to flee North Macedonia.

C3. Does the government operate with openness and transparency? 2 / 4

The law on open access to public information is inconsistently implemented. According to a May 2021 report released by the Centre for Civil Communications, national and municipal governments made relatively little progress in improving transparency.

A European Commission (EC) report published in October 2021 noted that the Finance Ministry made progress in enhancing transparency related to public expenditures, however. The EC report also noted the government's transparency in reporting on COVID-19-related purchases.

Government procurement decisions have caused controversy. In July 2021, the Assembly passed legislation allowing the Zaev government to bypass tender rules while negotiating a highway construction contract, which was met with criticism from civil society advocates. In December, the Constitutional Court declined to review that decision, allowing the government to negotiate directly with construction firms Bechtel and ENKA.

CIVIL LIBERTIES: 39 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 3 / 4

The media landscape is deeply polarized along political lines, and private media outlets are often tied to political or business interests that influence their content. However, a wide collection of critical and independent outlets operates, mainly online.

A June 2021 report from the Association of Journalists of Macedonia counted 14 threats and physical attacks against journalists in 2020, while only 4 such incidents were recorded in 2019. More than half of the targets were female journalists.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion. However, Islamophobia is present in political rhetoric and in public discourse, and is directed primarily at the ethnic Albanian community and Roma.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is largely respected, but corruption in universities is significant. Textbooks have minimally covered postindependence events, primarily because ethnic Macedonians and ethnic Albanians interpret the 2001 civil conflict differently.

In February 2021, the Zaev government vowed to review existing textbooks over content that may be considered offensive to ethnic Albanians.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Allegations of widespread wiretapping and monitoring of private citizens, journalists, politicians, and religious leaders by the VMRO-DPMNE government helped bring about its ouster. The SDSM-led government has since taken steps to reform the security services, which were believed to have surveilled targets at Gruevski's direction.

The Assembly passed a law limiting the secret police's surveillance activities in 2018. In 2019, the Directorate for Security and Counterintelligence (UBK) was replaced by the National Security Agency. A Council for Civilian Supervision was created to provide additional security-sector oversight in 2019.

In February 2021, former UBK chief Saso Mijalkov received a 12-year prison sentence over his involvement in the wiretapping scheme. In December, he was allowed to leave prison after filing an appeal on another case and providing 11 million euros (\$12.5 million) as a guarantee against fleeing the country.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Constitutional assembly guarantees are generally well respected, though riot police who typically monitor demonstrations are known to use disproportionate force. Property damage sometimes occurs during protests. Mass gatherings were restricted during 2020 in response to COVID-19, though protests were nevertheless held that year.

Several notable protests were held in 2021. In February, ethnic Albanians marched in Skopje, calling for the release of five ethnic Albanians who received prison terms over the 2012 murders of ethnic Macedonians. Police used shock grenades after participants threw rocks at them; at least seven officers were injured. In April, VMRO-DPMNE supporters were among those calling for the release of individuals who had been convicted over the 2017 parliament altercation in a Skopje event. In September, hundreds of protesters called for the resignation of then Tetovo mayor Teuta Arifi after a fire at a COVID-19 field hospital killed 14 people.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

NGOs generally operate in a freer and safer environment under the SDSM-led government, and public institutions have become more responsive to civil society work. However, NGOs, particularly those that receive foreign funding, face pressure from the VMRO-DPMNE and its supporters.

Levica members and leaders have also targeted civil society. In December 2021, a group of NGOs criticized Levica in an open letter, saying the party engaged in "hate speech" meant to delegitimize their work.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers may organize and bargain collectively, though trade unions lack stable financing and skilled managers.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

Concerns remain about the efficacy and independence of the judiciary. The EU has stressed judicial reforms as a key priority for North Macedonia's accession bid.

The EC's October 2021 report noted that the government made progress in enacting its judicial reform strategy, though the EC called on Skopje to continue implementing its action plan.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights remain compromised by corruption and patronage within the justice system, in which the public has little confidence. Political interference in the work of

prosecutors remains a problem. The selective application of justice also persists, although the government has carried out some reforms intended to ameliorate the issue.

Cases related to COVID-19 measure violations, the 2017 parliamentary altercation, and illegal wiretapping were affected by the pandemic during 2020, though the EC noted that progress on the adjudication of corruption cases was still achieved in its October 2021 report.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The threat of physical violence has subsided significantly under the SDSM-led government. While interethnic violence does occur in North Macedonia, such incidents have lessened in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The SDSM-led government passed an antidiscrimination law that prohibited discrimination based on sexual orientation in 2019. The Constitutional Court struck it down over procedural issues in May 2020, though the parliament again voted in favor of the legislation that October.

Laws prohibit workplace sexual harassment, but the issue persists, as most instances are not reported.

Ethnic Albanians suffer from employment discrimination and anti-Albanian sentiment. Roma face significant discrimination, including in the workplace.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Travel and movement are generally unrestricted. Corruption can hamper people's ability to freely choose their place of employment or education. A 2021 report on discrimination provided to the EC noted that Romany students face segregation in educational settings, though the EC's October 2021 report noted that more Romany students were entering higher education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The right to own property and establish private businesses is generally respected, though corruption remains a barrier to free enterprise.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Rape, including spousal rape, is illegal, as is domestic violence, which remains common; both are infrequently reported. Police are not consistently responsive to survivors. In January 2021, the Assembly passed legislation meant to combat gender-based violence (GBV), in line with the Istanbul Convention.

Child marriage occurs in the Romany community. According to 2018–19 data from the UN Children's Fund (UNICEF), 15.5 percent of Romany women had been married or were otherwise "in union" before the age of 15.

A 2017 Administrative Court ruling allowed people to change their gender in the country's official registry to match their gender identity.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Laws do not impose rigid barriers to social mobility, though rampant corruption can effectively hamper upward income mobility. Though the government's 2018–22 economic formalization strategy has proven somewhat successful in addressing informal employment, the country's informal economy remains large, leaving many workers vulnerable to employer abuse.

The Assembly considered amendments to the labor code and to minimum-wage legislation during 2021. Under the revisions, the minimum wage would rise to 300 euros (\$356) per month while Sunday would be declared a nonworking day except for employees providing certain vital functions. The revisions remained under consideration at year's end.

Workers in the garment industry are vulnerable to mistreatment, with employees sometimes earning less than the minimum wage. In February 2021, the Fair Wear Foundation and local NGO Glasen Tekstilec (Loud Textile Worker) reported that garment workers were sometimes forced to decline government aid by their employers.

Human trafficking remains a problem. The government has taken some steps to better identify trafficking victims, notably at government-run transit centers that house migrants and refugees. However, government support to NGOs that aid trafficking victims has decreased. Romany girls are vulnerable to trafficking for the purposes of child marriage.

According to the 2020 edition of the US Labor Department's *Findings on the Worst Forms of Child Labor*, Romany, Balkan Egyptian, and Ashkali children are vulnerable to forced labor, including forced begging.

Norway

Population: 5,400,000

Capital: Oslo

Freedom Status: Free

Electoral Democracy: Yes

Overview: Norway is one of the most robust democracies in the world. Elections are free and fair, and power regularly rotates between parties. Civil liberties are respected, with independent media and civil society actors holding the government to account. Discrimination against Roma and other marginalized groups remains a problem.

KEY DEVELOPMENTS IN 2021

- National elections were held in September, with a voter turnout of 77.2 percent. In October, Labour Party leader Jonas Gahr Støre was appointed prime minister after the Labour Party and the Centre Party agreed to form a governing coalition.
 - Also in September, then finance minister Jan Tore Sanner was accused of unlawfully withholding the release of documents during the final days of the election campaign. An inquiry into the case was launched by the parliament's Control Committee the following month.
 - In May, Norway's welfare agency was found to have again misinterpreted EU rules when it denied benefits to recipients traveling abroad since 1994; the Supreme Court confirmed the agency had acted unlawfully in a July ruling. The agency first came under scrutiny in October 2019, when it was found to have wrongfully imprisoned at least 48 people on charges of welfare fraud since 2012.
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POLITICAL RIGHTS: 40 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The constitutional monarch, currently King Harald V, appoints the prime minister, who is the leader of the majority party or coalition in the parliament. While the monarch is officially the head of state and commander in chief of the armed forces, his duties are largely ceremonial. National elections were held in September 2021; the following month, Labour Party leader Jonas Gahr Støre was appointed prime minister after the Labour Party and the Centre Party agreed to form a governing coalition.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Norway's unicameral parliament, the Storting, has 169 members who are directly elected for four-year terms through a system of proportional representation in multimember districts.

In the September 2021 election, the Labour Party won the largest share of votes, taking 48 seats, followed by the Conservatives with 36 seats, the Centre Party with 28, the right-wing populist Progress Party with 21, the Socialist Left Party with 13, the Red Party with 8, the Liberal Party with 8, the Green Party with 3, the Christian Democratic Party with 3, and the single-issue Patient Focus party with 1 seat. The election saw a turnout of 77.2 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections are regulated by the constitution and the Representation of the People Act of 2002. The National Electoral Committee, whose members are appointed by the king from all parliamentary parties, oversees the conduct of elections with the support of local-level committees. The 2017 Organization for Security and Co-operation in Europe (OSCE) election monitoring mission noted a high degree of public confidence in the country's electoral infrastructure.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

A range of political parties operate freely in Norway.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Norway has a long history of democratic and peaceful transfers of power after elections. The center-left Labour Party, and center-right coalitions led by the Conservatives or the Christian Democrats, have typically rotated in and out of government. Smaller parties wield influence by participating in national and local coalitions.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Citizens are generally free from undue interference in their political choices, and no military, foreign, or religious entities exert undemocratic pressure on voters. Public funding is the main source of party revenue, though the 2017 OSCE election monitoring mission

noted a sharp increase in private contributions and conveyed concerns that this could allow wealthy donors to acquire undue influence over Norwegian politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights and electoral opportunities. Women are well represented in Norwegian politics: following the September 2021 elections, 50 percent of cabinet positions are held by women, and 45 percent of parliamentarians are women. Minority ethnic groups and the interests of LGBT+ people are addressed through robust antidiscrimination laws and various protections for same-sex couples.

The Indigenous Sámi population, in addition to participating in the national political process, has its own legislature, the Sameting, which has worked to protect the group's language and cultural rights and to influence the national government's decisions about Sámi land and resources. The national government has a deputy minister tasked specifically with handling Sámi issues.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The freely elected government and parliament develop and implement policy without undue influence from actors who are not democratically accountable. In March 2020, in response to the COVID-19 pandemic, the parliament approved a law that gave the government discretionary powers to address the public health crisis. The law, which enables the government to make exceptions from current laws without going through the parliament for up to one month, only applies in urgent cases when ordinary parliamentary procedures would not be possible.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Provisions of the penal code criminalizing corrupt activity are generally upheld. Official corruption is not viewed as a significant problem in Norway, though cases of corruption have surfaced at major firms in recent years. In January 2021, the Council of Europe (CoE)'s Group of States against Corruption (GRECO) recommended that the government introduce new accountability and enforcement mechanisms to prevent corruption among senior officials, including ministers, political advisers, and members of the police.

C3. Does the government operate with openness and transparency? 4 / 4

The government generally operates with transparency. Several audits of public grants and other government spending were conducted in 2017, with auditors finding evidence of inadequate management.

The 2006 Freedom of Information Act provides for access to government documents. Investigative journalists have previously complained that senior government officials use various tactics to avoid or delay inquiries that would expose negligence or wrongdoing. In September 2021, then finance minister Jan Tore Sanner was accused of unlawfully withholding the release of documents during the final days of the election campaign. The parliament's Control Committee began an inquiry into case the following month.

CIVIL LIBERTIES: 60 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is constitutionally guaranteed and generally respected in practice. Norwegians have access to news and commentary from a wide variety of independent outlets. In 2017, the European Court of Human Rights (ECtHR) ruled that the Norwegian government could not compel journalists to reveal their sources, even if the source had come forward independently. In August 2020, the Norwegian Journalists' Association, the *Verdens Gang* newspaper, and the Norwegian Editors' Association sued the Attorney General for denying access to documents in a case. In March 2021, the Supreme Court ruled that the claimants were entitled to information in the case, but only to those documents that had already been surrendered, stating that those documents served as "a sufficient basis for public debate."

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected by the constitution and generally upheld in practice. However, religiously motivated hate crimes do occur. In 2020, the government launched an action plan to fight discrimination and hatred against Muslims, which includes requirements for police to separately register anti-Muslim crimes.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion in Norway is free and vibrant.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The right to freedom of assembly is generally respected. There have been tensions in recent years over demonstrations by extremist groups and their potential threat to public security. Public health measures intended to prevent the spread of COVID-19 limited the size of public gatherings during 2020 and 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) form and operate without undue restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The right to strike is legally guaranteed—except for members of the military and senior civil servants—and is generally respected in practice. All workers have the right to engage in collective bargaining.

F. RULE OF LAW: 16 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is generally considered independent, and the court system, headed by the Supreme Court, operates fairly. The king appoints judges on the advice of the Judicial Appointments Board, which is composed of legal and judicial professionals as well as representatives of the public. In April 2021, then prime minister Erna Solberg was fined for breaching COVID-19 rules. She paid the fine and apologized for her actions.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Law enforcement agencies and the courts generally observe legal safeguards against arbitrary arrest and detention. Criminal defendants have access to counsel at the government's expense, and the principles of due process are typically respected during trial.

In October 2019, the Norwegian Labor and Welfare Administration (NAV) was found to have wrongfully imprisoned at least 48 people on charges of welfare fraud, having misinterpreted European Union (EU) rules on social security when it denied benefits to over 2,400 people who traveled to EU and European Economic Area (EEA) states since 2012. In September 2020, the NAV requested that individuals affected by the scandal contact them, to attempt to resolve the issue. They had already processed about 42,000 cases.

Additionally, in May 2021, the European Free Trade Association (EFTA) court found that since Norway became an EFTA member in 1994, the NAV had illegally denied welfare payments to people who had traveled to other EFTA countries while receiving benefits. The Norwegian Supreme Court confirmed that the NAV had acted unlawfully in a July ruling.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The police are under civilian control, and physical abuse by law enforcement is rare. Prison conditions generally meet international standards.

Far-right and extremist violence is a recognized threat in Norway. In August 2019, a neo-Nazi sympathizer murdered his adopted sister, an ethnic Chinese woman, before unsuccessfully attacking a mosque in Bærum. In June 2020, he was sentenced to 21 years in prison with a minimum term of 14 years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

The equality and antidiscrimination ombudsman enforces the Gender Equality Act, the Antidiscrimination Act, and other laws designed to protect the basic rights of women, minorities, and other groups at risk of mistreatment. These laws are generally upheld in practice. However, in a February 2021 report, the CoE recommended that Norway put more resources into supporting victims of discrimination.

Norwegian authorities reported 744 hate crimes in 2020, the majority of which were based on race, ethnicity, religion, or sexual orientation.

The national government also supports Sámi-language instruction and media outlets in the relevant regions. The Norwegian national human rights institution, however, has highlighted that Norway does not currently disaggregate statistical data by ethnicity or Indigenous status, which limits the evidence base for human rights monitoring and improving policy and service delivery for Indigenous groups such as the Sámi.

In the 2020 UN Committee on Economic, Social and Cultural Rights report on Norway, it noted concern over evidence of people with visual impairments facing technological barriers at work; persons with an immigrant background continue to face discrimination in employment and access to healthcare; one third of older persons in hospitals and in health and care services are malnourished or at risk of malnutrition; and women still face a persistent pay gap, measuring 13.4 percent as of 2020.

In recent years, the CoE has encouraged Norwegian authorities to address widespread discriminatory attitudes toward Roma, and to ensure that they have equal access to education and employment.

Norway is increasingly coming under scrutiny for its restrictive refugee and asylum policies. The government increased the requirements for permanent residency in December

2020, from 3 to 5 years of living in Norway. In November 2020, 18-year-old Mustafa Hasan—who came to Norway as a 6-year-old—was deported by an Immigration Appeals Board (UNE) because his mother had provided inaccurate information. In July 2021, an Oslo court declared the board’s decision invalid, and ordered the case to be reexamined; the UNE had not issued a new decision on Hasan’s case before year’s end.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement in Norway is generally respected. People can change their place of residence, employment, and education. However, some EU- and EEA-born welfare recipients living in Norway reportedly refrained from traveling abroad for fear of losing benefits; in November 2019, local NGO Caritas reported that several thousand were discouraged or stopped from traveling abroad in recent years.

As part of the government’s response to the COVID-19 pandemic, freedom of movement was limited in 2020 and 2021. In March 2020, strict rules prohibited travel outside of residents’ home county. Essential health workers were prohibited from traveling abroad, and only Norwegian nationals or residents were permitted to reenter Norway. EU citizens residing in Norway faced difficulties in returning to the country due to COVID-19-related regulations before the government relaxed entry restrictions in July 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and operate private businesses are established in Norwegian law and upheld in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not restrict personal social freedoms. The Gender Equality Act provides equal rights for men and women with respect to marriage, divorce, and other personal status matters.

Domestic violence is a problem. In June 2019, Norway’s Institute for Human Rights (NIM) estimated that 150,000 people experience domestic violence annually. Amnesty International has also expressed concern that the penal code does not use a consent-based definition of rape and imposes a limited set of qualifying circumstances.

In 2018, the parliament passed a government-proposed law that bans face coverings, including the niqab and burqa, from teaching environments at all levels of education. The ban did not apply outside classroom settings, for instance during recess or staff meetings.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

The principle of equality of opportunity and legal protections against economic exploitation are generally upheld. The government has been active in combating labor and sex trafficking and works to provide services to victims. However, the US State Department’s 2021 *Trafficking in Persons Report* downgraded Norway’s status to Tier 2, saying that the government’s antitrafficking efforts were not “serious and sustained” in comparison to previous years, even taking into account the effects of the COVID-19 pandemic. There have been reports of forced labor in the agriculture, fishing, and construction sectors, including a case of Bangladeshi migrants being exploited on Norwegian farms through a Portuguese trafficker.

Oman

Population: 4,500,000

Capital: Muscat

Freedom Status: Not Free

Electoral Democracy: No

Overview: Oman is a hereditary monarchy, and power is concentrated in the hands of the sultan. The regime restricts virtually all political rights and civil liberties, imposing criminal penalties for criticism and dissent.

KEY DEVELOPMENTS IN 2021

- The government published a new basic law, which introduced the position of crown prince, in January. Sultan Haitham bin Tariq's son, Dhi Yazan bin Haitham, was assigned to the post.
- In May, Omanis held demonstrations in several cities to protest unemployment and the introduction of a value-added tax (VAT). Some arrests and brief detentions were reported, while police used tear gas when clashing with protesters in the city of Sohar. Overall, however, security forces mounted a largely mild response, and most detainees were quickly released.

POLITICAL RIGHTS: 6 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

In January 2020, Sultan Haitham bin Tariq succeeded his cousin, Sultan Qaboos bin Said, who died that month and had governed Oman since seizing power from his father, Sultan Said bin Taimur, in 1970. Sultan Haitham delegated to his cabinet ministers some of the responsibilities Sultan Qaboos had formally maintained, including the appointment of a foreign minister, that August. The basic law published in January 2021 created the position of crown prince; Sultan Haitham's eldest son, Dhi Yazan bin Haitham, was appointed.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 1996 basic law, promulgated by decree, created a bicameral body consisting of an appointed Council of State (Majlis al-Dawla) and a wholly elected Consultative Council (Majlis al-Shura). Citizens elect the Consultative Council for four-year terms, but the chamber has no legislative powers and can only recommend changes to new laws.

Consultative Council elections were held in October 2019, with 637 nonpartisan candidates, including 40 women, competing for the council's 86 seats. Two women were elected. In November 2019, the sultan appointed the 86 members of the Council of State for a four-year term, including 15 women.

Oman held its first-ever municipal council elections in 2012. In the most recent elections in 2016, voters chose among 731 nonpartisan candidates to fill 202 seats on the 11 councils, which correspond to Oman's 11 governorates. Turnout was about 49 percent. In May 2020, the Ministry of Interior (MoI) announced that the municipal elections set for 2020 would be postponed indefinitely due to the COVID-19 pandemic; the existing councils would continue until new elections could be held.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral framework allows all citizens over the age of 21 to vote unless they are in the military or security forces. However, the framework applies only to the Consultative Council and municipal councils, which serve largely as advisory bodies. Elections are administered by the MoI rather than by an independent commission.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

Political parties are not permitted, and the authorities do not tolerate other forms of organized political opposition. A 2014 law allows the revocation of citizenship for Omanis who join organizations deemed harmful to national interests.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The sultan maintains a monopoly on political power. The structure of the constitutional system excludes the possibility of a change in government through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The nonpartisan nature of Oman's limited elections, the overwhelming dominance of the sultan in Omani society, and the authorities' suppression of dissent leave voters and candidates with little autonomy in their political choices.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Noncitizens, who make up about 44 percent of the population, have no political rights or electoral opportunities. Citizenship is generally transmitted from Omani fathers. Foreign residents must live legally in the country for 20 years to qualify for citizenship, or 15 and 10 years for foreign husbands and wives of Omani citizens, respectively, if they have a son. These and other conditions make naturalizations relatively rare.

Omani women can legally vote and run for office, but they have few practical opportunities to organize independently and advance their interests in the political system. Two women were elected to the Consultative Council in 2019, up from one in 2015, and seven women won seats on municipal councils in 2016, up from four in 2012. Fifteen women serve on the appointed Council of State.

C. FUNCTIONING OF GOVERNMENT: 2 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Government policy is set by the sultan and an inner circle of advisers and senior ministers. The Council of State and the Consultative Council are advisory bodies with no lawmaking powers.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Oman's legal code does not provide an effective framework for the prevention, exposure, and impartial prosecution of corruption. However, government officials are required

to declare their assets and sources of wealth, and several high-profile corruption cases involving government officials and executives from Oman's oil industry have resulted in convictions and prison terms in recent years.

C3. Does the government operate with openness and transparency? 0 / 4

The law does not provide freedom of information guarantees. Openness and transparency are limited in practice by the concentration of power and authority in a small inner circle around the sultan. The State Audit Institution monitors ministerial spending, conflicts of interest, and state-owned companies, but its findings are not released to the public, and it does not cover the sultan's court or the military.

CIVIL LIBERTIES: 18 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

Freedom of expression is limited, and criticism of the sultan is prohibited. There are private media outlets in addition to those run by the state, but they typically accept government subsidies, practice self-censorship, and face punishment if they cross political redlines. Media outlets were reportedly told to avoid reporting on demonstrations held in several cities in May 2021.

The government has broad authority to close outlets, block websites, revoke licenses, and prosecute journalists for content violations, and it has used this authority on multiple occasions in recent years. In March 2021, the Omani telecommunications regulator blocked access to social media application Clubhouse for want of a "proper license."

The government's efforts to suppress critical news and commentary extend to individuals active online and on social media. In February 2021, poet Salem Ali al-Maashani and Amer Muslim Bait Saeed were detained for criticizing planned construction in the Dhofar Plain. In March, the Court of First Instance in Salalah issued a six-month prison term and a fine against environmental activist Ahmed Issa Qatan for violating the Cyber Crime Law; Qatan had also campaigned against Muscat's plans for the Dhofar Plain.

In July, security forces detained activist Ghaith al-Shibli after he used Twitter to engage in dialogue on a variety of subjects under the hashtag #ghaith_spaces. In August, activist Khamis al-Hatali was arrested a day after disseminating a speech criticizing Sultan Haitham on Twitter.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the state religion. Non-Muslims have the right to worship, but they are banned from proselytizing. Religious organizations must register with the government. The Ministry of Awqaf (religious charitable bequests) and Religious Affairs distributes standardized texts for mosque sermons, and imams are expected to stay within the content outlines of these texts.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government restricts academic freedom by preventing the publication of material on politically sensitive topics and placing controls on contacts between Omani universities and foreign institutions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The authorities reportedly monitor personal communications, and the growing number of arrests, interrogations, and jail terms related to criticism of the government on social media has encouraged self-censorship among ordinary citizens in recent years. The 2018 penal code increased the maximum penalties for slander of the sultan and blasphemy to 7 and 10 years in prison, respectively, from three years for both under the old code. In March 2021, an appeals court upheld a prison term against medical worker Muslim al-Badi, who had been accused of insulting Sultan Qaboos. Al-Badi began serving his sentence in April.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (+1)

E1. Is there freedom of assembly? 1 / 4 (+1)

A limited right to peaceful assembly is provided for in Oman's basic law. However, all public gatherings require official permission, and the government has the authority to prevent organized public meetings without any appeals process. The 2018 penal code prescribes prison terms and fines for individuals who initiate or participate in a gathering of more than 10 people that threatens security or public order, or who fail to comply with an official order to disperse. Police are seen in antiriot gear while on patrol and when responding to protests.

While demonstrations are rare in practice, protests against unemployment and the imposition of a VAT were held in several cities in May 2021. Some arrests and brief detentions were reported; police used tear gas when clashing with protesters in Sohar. Sultan Haitham, meanwhile, pledged to improve the labor market and offer stipends for those unemployed due to the effects of the coronavirus pandemic. Overall, security forces mounted a largely mild response; by comparison, the authorities forcefully dispersed demonstrations during the 2011 protests and used lethal force in at least one incident during that period.

Score Change: The score improved from 0 to 1 because protesters with primarily economic grievances were able to hold demonstrations in several cities and because authorities mounted a relatively mild response, with most detainees quickly released.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Oman's basic law allows for the formation of nongovernmental organizations, but civic life remains limited in practice. The government has not permitted the establishment of independent human rights organizations and generally uses its registration and licensing process to block the formation of groups it sees as a threat to stability. Individual activists focusing on issues including labor rights and internet freedom risk arrest. The 2018 penal code includes vague clauses that allow prison terms for individuals who establish, operate, or finance an organization aimed at challenging the "political, economic, social, or security principles of the state" or promoting class conflict.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Omani workers are legally able to organize unions, bargain collectively, and strike. However, there is only one authorized trade union federation, and neither government employees nor household workers are permitted to join unions. Strikes, which are banned in the oil and gas industry, are rare in practice, partly because disputes are often resolved through employer concessions or government mediation.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is not independent and remains subordinate to the sultan, who is empowered to appoint and remove senior judges. The sultan also chairs the Supreme Judicial Council, which nominates judges and oversees the judicial system, though a 2012 reform replaced the justice minister with the head of the Supreme Court as the council's deputy chair.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Arbitrary arrest is formally prohibited but suspects arrested in vaguely defined security cases can be held for up to 30 days before being charged, and security forces do not always adhere to other rules on arrest and pretrial detention. Ordinary detainees are generally provided with access to legal representation.

Defendants in politically sensitive cases may face harsher treatment from the justice system. For example, prior to his trial in 2017, Mansour bin Nasser al-Mahrazi, a writer and researcher who was eventually sentenced to three years in prison for offenses including "insulting the sultan," spent at least two months in incommunicado detention, and the judge refused to hear defense witnesses.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisons are not accessible in practice to independent monitors, but former detainees have reported beatings and other abuse. In March 2021, Sultan Ambo Saeedi accused the Internal Security Service of torturing him over a 30-day detention period in 2017. Saeedi subsequently fled Oman.

The country is generally free from armed conflict, and violent street crime is relatively rare.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The 2021 basic law banned discrimination on the basis of sex, religion, ethnicity, and social class, but noncitizens are not protected from discrimination in practice. Women face disparate treatment under personal status laws and de facto bias in employment and other matters. Under the Personal Status Law, a woman must have a male guardian—usually a father—to contract her into marriage. Men are recognized as the head of the household. Same-sex relations are punishable with up to three years in prison, and LGBT+ people face societal discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Most Omani citizens enjoy freedom of movement, but travel bans are often imposed on political dissidents. Foreign workers cannot leave the country without permission from their employer and risk deportation if they change employers without documentation releasing them from their previous contract. During 2021, the government periodically restricted internal travel and imposed curfews to prevent the spread of COVID-19. These measures were implemented in line with a rise of reported coronavirus cases.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

While the legal framework protects property rights, state-owned companies and the ruling family are dominant forces in the economy, limiting the role and autonomy of

small and other private businesses. Women generally receive less property than men under inheritance laws.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Omani citizens require permission from the MoI to marry noncitizens from countries outside the Gulf Cooperation Council. Spouses or children of Omani women cannot gain citizenship. Omani law does not specifically address domestic violence and sexual harassment or criminalize spousal rape, while extramarital sex is criminalized. Women who report rape have at times been prosecuted for engaging in extramarital sex, if authorities do not believe they were assaulted. Women are at disadvantage under laws governing matters such as divorce and child custody. The 2018 penal code included a new provision that criminalized the wearing of women's clothing by men.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Oman's labor policies put migrant workers at a severe disadvantage and effectively encourage exploitation. Household workers, who are not covered by the labor law, are especially at risk of abuse by employers. The government has pursued an "Omanization" process to replace foreign workers with native Omanis. Among other tactics, temporary visa bans for foreign workers in various professions have been issued or extended since 2013. In January 2021, the Ministry of Labor announced plans to bar expatriates from certain private-sector occupations, which would only be open to Omani citizens.

Despite a 2008 antitrafficking law and some recent efforts to improve enforcement, authorities have not always proactively identified or protected human trafficking victims. The US State Department's *Trafficking in Persons Report 2021* notes that authorities are identifying more trafficking survivors but open few legal cases and secure few convictions. Government policies limit shelter stays to victims with cases actively being investigated.

Pakistan

Population: 225,400,000

Capital: Islamabad

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Pakistan holds regular elections under a competitive multiparty political system. However, the military exerts enormous influence over security and other policy issues, intimidates the media, and enjoys impunity for indiscriminate or extralegal use of force. The authorities impose selective restrictions on civil liberties, and Islamist militants carry out attacks on religious minorities and other perceived opponents.

KEY DEVELOPMENTS IN 2021

- In the Senate elections held in March, the ruling Tehreek-e-Insaf (PTI) party won 18 out of 48 seats contested, leaving it with 26 seats in total and without a majority in the upper house. The Pakistan People's Party (PPP), with 20 seats, became the largest opposition party in the Senate.
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- Authorities continued to disrupt the political activities of the Pashtun Tahafuz Movement (PTM), which campaigns against ethnic violence in ethnic Pashtun areas. In November police in Quetta charged PTM leader Manzoor Pashteen and others for holding a rally without permission. Further, an Anti-Terrorism Court indicted Ali Wazir and 10 other PTM members for sedition on the basis of their role in a December 2020 rally in Karachi.
- In December, President Alvi signed a law that ostensibly “protects” journalists but includes vague provisions prohibiting incitement and the publication of allegedly false information. The government also has plans to establish a powerful media regulator, the Pakistan Media Development Authority (PMDA), which would have tribunal powers to punish journalists for infringements.

POLITICAL RIGHTS: 15 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

A prime minister responsible to the bicameral parliament holds most executive power under the constitution. The president, who plays a more symbolic role, is elected for up to two five-year terms by an electoral college comprising the two chambers of the parliament and the provincial assemblies. Arif Alvi, nominated by PTI, was elected president in September 2018.

Imran Khan became prime minister in August 2018 when PTI formed a coalition government, having emerged from the general elections as the largest party in the National Assembly. In the run-up to the polls, observers documented concerted efforts by elements of the country’s military and judicial establishment to hamper the Pakistan Muslim League (PML-N) to increase the chances that Khan would attain a parliamentary majority. These included corruption, contempt-of-court, and terrorism charges against PML-N leaders and candidates, and their politicized adjudication and military influence on the judiciary to deny bail until after the election. Observers also noted pressure on and interference with the media, apparently at the behest of the security services, that resulted in muted coverage of the PML-N’s campaign. In 2021, opposition parties continued to challenge Imran Khan’s legitimacy as prime minister, claiming he had been “selected” by the army.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The parliament consists of a 342-member National Assembly and a 104-member Senate. Members of the National Assembly are elected for five years. Of the 342 lower-house seats, 272 are filled through direct elections in single-member districts, 60 are reserved for women, and 10 are reserved for non-Muslim minorities. The reserved seats are filled through a proportional representation system with closed party lists.

For the Senate, each provincial assembly chooses 23 members. The 8 seats representing the Federally Administered Tribal Areas (FATA) chosen by assembly members are being phased out, as the FATA region is being integrated with Khyber Pakhtunkhwa province. The National Assembly chooses 4 senators to represent the Islamabad capital territory. Senators serve six-year terms, with half of the seats up for election every three years. In the March 2021 Senate elections using the electoral college formed from directly elected members of the National and Provincial Assemblies, the ruling PTI won 18 out of 48 seats contested, leaving it with 26 seats in total and without a majority. The Pakistan People’s Party (PPP), with 20 seats, became the largest opposition party in the upper house.

International and domestic election observers delivered a mixed verdict on the July 2018 National Assembly elections. Polling was orderly and generally took place according to the electoral law, though serious technical difficulties with the Result Transmission System created significant delays in reporting the results. At the same time, the rash of judicial actions against PML-N leaders and restrictions on and interference with media coverage significantly disadvantaged the party, contributing to a substantial rise in PTI representation in the National Assembly.

The PTI received 32 percent of the vote and 149 seats, compared with just 35 seats previously, and formed a coalition government with the support of the Muttahida Qaumi Movement (MQM), other minor parties, and independents. The PML-N received 24 percent of the vote and 82 seats, down from 157 seats. The PPP received 13 percent of the vote and 54 seats, an increase of 12 seats. Notably, parties and candidates linked to active Islamist militant groups, including Tehreek-e-Labaik Pakistan (TLP) and Allah-o-akbar Tehreek (AAT), were able to participate. Voter turnout was 52 percent.

In the December 2021 local elections in Khyber Pakhtunkhwa, the Jamiat Ulema-e-Islam-Fazl (JUI-F), part of the Pakistan Democratic Movement (PDM) alliance, won control of the largest number of tehsil councils and the mayoralty of the provincial capital, Peshawar.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Elections are administered by the Election Commission of Pakistan (ECP), whose members are current or retired senior judges nominated through a consultative process that includes the government and the parliamentary opposition. The ECP asserted its independence during the Senate election in March 2021 by insisting on use of the constitutionally mandated secret ballot. The prime minister and governing party severely criticized the ECP after their defeat in one of the electoral college votes. The ECP also continued to investigate accusations that the PTI received illegal foreign contributions to past election campaigns.

Electoral laws are considered largely fair, and candidates have extensive access to the courts in electoral disputes. However, in November 2021, the PTI government amended the 2017 Elections Law to mandate the use of electronic voting machines (EVMs). Opposition parties have opposed reliance on EVMs over fears of their vulnerability to poll-rigging.

Election observer missions in 2018 claimed that the ECP proved unable to counteract efforts by elements of the judicial and military establishment and their allies to manipulate the campaign environment. According to the Human Rights Commission of Pakistan, politically orchestrated judicial activism resulted in the disqualification of candidates, while the “censorship, intimidation, harassment, and abduction” of journalists who were critical of the security establishment or favored the PML-N or PPP ensured uneven access to the media.

Other, ongoing problems include lower rates of voter registration among women, a requirement that members of the Ahmadi religious minority register as non-Muslims despite considering themselves Muslims, and vague moral requirements for candidate nomination.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Several major parties and numerous smaller parties and independents compete in elections and are represented in the parliament and provincial legislatures. However, established parties maintain patronage networks and other advantages of incumbency

that hamper competition in their respective provincial strongholds. In recent years, major parties' freedom to operate is related to the strength of their relationships with unelected arms of the state, which have sought to sideline figures not to their liking through a variety of legal and extralegal means.

Additionally, Pakistani opposition parties maintained alliances and coordinated anti-government protests in 2021. The PDM held a series of protest rallies early in the year, calling for the PTI government to resign. Though the PPP left the alliance after the March elections, the PDM continued to hold rallies calling for the government to step down or for the military to withdraw its support. In December, the PDM announced plans to demonstrate against the government's failure to control inflation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

Opposition parties campaign and contest elections, and each of the last three national elections has resulted in an erstwhile opposition party taking power at the federal level. National opposition parties hold power or significant shares of assembly seats at the provincial level. However, the military is currently considered more powerful than elected politicians and able to influence the outcome of elections.

The PPP and PML-N have faced significant impediments to their competitiveness since the 2018 elections, as party leaders and senior figures faced a succession of charges from the National Accountability Bureau (NAB), the government's anticorruption body. Nawaz Sharif, his daughter Maryam Nawaz, his younger brother and former Punjab chief minister Shahbaz Sharif, Shahbaz Sharif's son Hamza, and former prime ministers Shahid Khaqan Abbasi and Raja Parvaiz Ashraf, all political figures within PML-N, and former president Asif Ali Zardari and his sister Faryal Talpur, both PPP politicians, have faced multiple court appearances, periodic detentions, and a ban from public office (Nawaz Sharif).

However, in 2021, Shahbaz Sharif and Asif Zardari were released on bail, and younger leaders Bilawal Bhutto-Zardari and Maryam Nawaz rose to prominence as political players in their parties. PML-N leader Nawaz Sharif stayed in self-imposed exile in London but was politically active.

Authorities continued to disrupt the activities of the PTM. The army reportedly suspects PTM leaders of opposing the Pakistani state and having links to the Indian intelligence agency, which PTM supporters deny. In the past, security forces have dispersed rallies, arrested participants and activists, suppressed media coverage, and charged rally participants with sedition. In November 2021, police in Quetta charged PTM leader Manzoor Pashteen and others for holding a rally without permission. Further, an Anti-Terrorism Court indicted Ali Wazir and 10 other PTM supporters for sedition, on the basis of their role in a December 2020 rally in Karachi.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The manipulation of politics by religious extremists has long hampered voters' ability to freely express their political preferences. During 2021, the Sunni Barelvi militant party TLP continued to press for the release of its leader and activists as well as the expulsion of the French ambassador, after French President Emmanuel Macron made what they saw as disparaging remarks about Islam. The government initially banned the party in April 2021 but later capitulated to its demands in November 2021, when authorities reversed the party's ban, released its leader and activists. Thereafter, the TLP did not continue to demand the expulsion of the ambassador.

In recent years, the military has reasserted its role as a political arbiter—more powerful than either the judiciary or the elected government—setting the constraints within which civilian politics play out.

The heavy presence of security agents at many polling stations in 2018 was interpreted by observers, including the Human Rights Commission of Pakistan, as tantamount to voter intimidation. Several candidates in the 2018 election campaign had links with extremist groups that advocated or carried out acts of violence, further contributing to a sense of unease among many voters.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

A joint electorate system allows members of non-Muslim minorities to participate in the general vote while also being represented by reserved seats in the national and provincial assemblies through the party-list system. However, the participation of non-Muslims in the political system continues to be marginal. Political parties nominate members to the legislative seats reserved for non-Muslim minorities, leaving non-Muslim voters with little say in the selection of their supposed representatives. Ahmadis, members of a heterodox Muslim sect, face political discrimination and are registered on a separate voter roll.

Political parties maintain women's wings that are active during elections, but women face practical restrictions on voting, especially in Khyber Pakhtunkhwa and Baluchistan, where militant groups and societal constraints are stronger. Women rarely achieve leadership positions in parties or the government. The interests of LGBT+ people are generally not represented by elected officials.

The single member constituency system for national elections ensures that the major ethno-linguistic groups from each province are represented in the National Assembly and participate in party politics, government, and opposition. Although Sindhi, Pashtun, and Baloch figures all play visible roles in national political life—alongside the largest ethno-linguistic group, Punjabis—the military works to marginalize figures from minority groups it suspects of harboring antistate sentiments, as exemplified by its treatment of the PTM.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Formally, the elected prime minister and cabinet make policy in consultation with the parliament, which holds legislative power. However, there has been a long-running struggle between these civilian structures and the military establishment for control of national security policy. The military has asserted primacy on relations with India, Afghanistan, China, and the United States, as well as on domestic counterterrorism policy. In the last two years of the previous PML-N government, it appeared that the civilian administration aspired to act independently of some military priorities, most notably through exploring détente with India. Since the August 2018 installation of the PTI government, the civilian administration has aligned itself more closely than its predecessor with the military's foreign policy, domestic security, and economic priorities. In October 2021, the army again appeared to usurp the authority of the prime minister by publishing that Lieutenant General Nadeem Anjum would take over as chief of the Inter-Services Intelligence (ISI) three weeks before Prime Minister Khan announced he had agreed to the appointment.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Despite numerous formal safeguards, official corruption is endemic in practice. The use of accountability mechanisms is often selective and politically driven, as demonstrated by the charges which continued to be brought against PML-N and PPP leaders and former politicians, such as former prime minister Sharif and former president Zardari, in 2021. The NAB focuses on cases against politicians and senior officials, which tend to be protracted. The military and judiciary have their own disciplinary systems for corruption.

C3. Does the government operate with openness and transparency? 2 / 4

The government has relatively progressive laws around public finances, procurement processes, and general government operations. Some effort is put into being seen as complying with international norms.

However, the military—which controls large parts of government functioning under the guise of national security concerns—is deeply opaque in its affairs. Military officials' ability to influence policies, politics, and legislation is formidable, and military intelligence agencies act without oversight and often without the public's knowing of their involvement. Intelligence agencies abduct, detain, interrogate, and torture individuals for extended periods without publicizing information of their whereabouts or the purpose for their detention. The military censors media and information published about its activity by means of vaguely worded regulations that empower officials to monitor and manage content deemed harmful to "national security interests." Since 2018, multiple high-ranking military officers have been appointed to government positions historically under civilian control.

Access-to-information laws have long been applied in Pakistan; the parliament passed the Right to Access of Information Act in 2017 to update a 2002 law. Information commissions have been established in the provinces supposedly to enable implementation, which is inconsistent. Determined citizens can demand information from departments and complain to the information commissions when departments fail to deliver. Many departments tend to ignore requests.

Vocal civil society groups and journalists often weigh in on policy debates. However, debates about policies with national security implications are shut down quickly. Members of both provincial and national assemblies are expected to make themselves accessible to constituents. Parliament regularly debates and scrutinizes the budget, accompanied by commentary from the media.

There is a procurement regulatory agency that uses many standard transparency tools, including procurement manuals and publication of tenders. However, international bodies such as the World Bank and the Organisation for Economic Co-operation and Development (OECD) have scrutinized Pakistan's public procurements. Parliamentarians and select public officials are compelled to submit asset declaration forms that civil society organizations often upload to the internet.

CIVIL LIBERTIES: 22 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16****D1. Are there free and independent media? 1 / 4**

Over the past two decades, Pakistan has boasted a relatively vibrant media sector that presents a range of news and opinions, with more than 40 television news channels and some 700 newspaper print publications. However, both the civilian authorities and military in recent years have curtailed media freedom. In 2021, the government targeted prominent media personalities, individual journalists, television programs and stations, and media houses for raising issues authorities considered unpalatable by fining them, temporarily

banning them, or withdrawing government advertising. In 2021, military intelligence agencies targeted critical journalists with violent attacks and temporary abductions. In May, Islamabad-based journalist Asad Ali Toor was severely beaten by individuals who identified themselves as ISI agents. A number of critical media figures sought sanctuary in exile but reported facing threats there, too, in the wake of suspicious deaths of Pakistani civil society activists abroad. Authorities used “troll farms,” to harass critical commentators, such as BBC Urdu-language service journalist Asma Shirazi.

Access to certain regions of the country is prohibited by the military, impeding coverage of issues there. In Baluchistan, local journalists are caught between authorities who order them not to cover separatist rebel activity, and rebel groups that threaten them for siding with the government.

In December 2021, President Alvi signed a law that ostensibly “protects” journalists but includes vague provisions prohibiting incitement and the publication of allegedly false information. The government also has plans to establish a powerful media regulator, the Pakistan Media Development Authority (PMDA), to replace the differing regulations for print, broadcast, and online media. The authority would have tribunal powers to punish journalists for infringements.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Constitutional guarantees of religious freedom have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence. Members of the Shia sect, Christians, and other religious minorities remain at risk of blasphemy accusations that can arise from trivial disputes and escalate to criminal prosecution and mob violence. Blasphemy laws and their exploitation by religious vigilantes have also curtailed freedom of expression by Muslims.

Hindus have complained of vulnerability to kidnapping and forced conversions, and some continue to migrate to India. Vandals attacked and damaged a temple in Rawalpindi in March 2021, and a mob damaged a temple in Rahim Yar Khan in August.

Members of the Ahmadi community are legally prohibited from calling themselves Muslims and face discrimination. One Ahmadi man was killed during 2021 in a suspected hate crime. A Lahore High Court justice called on authorities to restrict Ahmadi religious content on social media.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Pakistani authorities have a long history of using the education system to portray Hindus and other non-Muslims negatively and to rationalize enmity between Pakistan and India, among other ideological aims. Past attempts to modernize education and introduce religious tolerance into school textbooks have made little progress, and minority groups consider negative portrayals of non-Muslims in textbooks as a continuing source of hostility towards them. In August 2021, the government launched an integrated national curriculum at the primary school level, with a plan for a secondary school curriculum for subsequent years. Supporters claimed that it promoted tolerance within an Islamic and national framework. However, the initiative was also criticized for encroaching on provincial autonomy.

In recent years, scholars have been somewhat more able to discuss sensitive issues involving the military. However, there is no academic freedom on matters pertaining to religion, where academics remain vulnerable to blasphemy accusations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Pakistanis are free in practice to discuss many topics both online and off, but the 2016 Prevention of Electronic Crimes Act (PECA) gives the executive-controlled Pakistan Telecommunication Authority (PTA) unchecked powers to censor material on the internet. The PTA encourages reporting of websites complainants consider offensive. The broad and poorly defined censorship mandate of the PTA includes preventing both morally objectionable content and the maligning of the “state, judiciary, or armed forces.” In practice, the agency censors content arbitrarily.

The constitutionality of 2020 social media rules, which enabled the banning of social media platforms, was challenged in the Islamabad High Court in November 2021. These rules obliged companies to enforce the government’s restrictions on objectionable content and required them to maintain a physical presence in the country, with threats of fines and service interruption for noncompliance. The PTA had banned TikTok for four months beginning in March, allegedly for blasphemous and irreverent content. TikTok reported that it had removed some six million objectionable videos in the first quarter of the year.

Extralegal violence, including mob attacks on individuals accused of blasphemy also deter unfettered speech.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution guarantees the right to assemble peacefully, though the government can harness legal provisions to arbitrarily ban gatherings or any activity designated a threat to public order. During 2021, the scale and frequency of political rallies returned to levels seen before the COVID-19 pandemic. The governing party and a range of opposition parties held multiple rallies, generally without interference from the authorities.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The current government continued to crack down on nongovernmental organizations (NGOs), both domestic and foreign. Organizations are subject to intrusive registration requirements and vetting by military intelligence. Officials can demand that NGOs obtain a “no-objection certificate” (NOC) before undertaking even the most innocuous activity.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The rights of workers to organize and form trade unions are recognized in law, and the constitution grants unions the rights to collective bargaining and to strike. However, these protections are not strongly enforced. Roughly 70 percent of the workforce is employed in the informal sector, where unionization and legal protections are minimal. The procedures that need to be followed for a strike to be legal are onerous. Strikes and labor protests are organized regularly, though they often lead to clashes with police and dismissals by employers.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary is politicized and has a history of involvement in the power struggles between the military, the civilian government, and opposition politicians. Judges have often aligned rulings with the priorities of the military. During 2021, corruption cases against Nawaz Sharif and other senior PML-N and PPP opposition politicians continued. The

paucity of equivalent cases against PTI figures suggest that the judiciary has allowed itself to be instrumentalized in national politics. Leaked audio recordings and testimony from a former Gilgit-Baltistan chief judge purportedly proved that former chief justice Saqib Nisar acknowledged he had been influenced by the army to convict and deny bail to Nawaz and Mariam Sharif in the run-up to the 2018 election, though Nisar publicly denied this.

In 2021, Supreme Court Justice Qazi Faez Isa continued to fight legal action over allegations of undeclared family property in the United Kingdom, which he argued was an attempt to punish him for exercising independence.

The broader court system is marred by endemic problems including corruption, intimidation, insecurity, a large backlog of cases, and low conviction rates for serious crimes.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police have long been accused of biased or arbitrary handling of initial criminal complaints. Both the police and the prosecution service have been criticized for a chronic failure to prosecute terrorism cases and for their reliance on torture. In July 2021, the Senate passed legislation to ban torture.

Under the Army Act, the military continued to operate its own courts, primarily for its own personnel. However, the army asserted the right to selectively try civilians, on camera, under the Army Act courts, in cases of national security.

There has been progress in women's access to justice and generalized protection of their rights for all litigants in the former FATA, which in 2018 was absorbed into Khyber Pakhtunkhwa. Informal jirgas remain a form of local dispute resolution alongside the formal justice system.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

In 2021, 663 people were killed in terrorist incidents, continuing an upward trend since 2019, though violence remained lower than the 2009 peak of 11,317 people killed. The worst attacks in 2021 were the killing of 11 Shia coalminers in Baluchistan in January and a suicide bombing in July that killed 13 workers on a dam project, including 9 Chinese engineers.

Most terrorist violence has historically been connected to three distinct conflicts. A low-intensity insurgency in Baluchistan pitted the Baloch Liberation Army and other Baloch separatist outfits against security forces. In Khyber Pakhtunkhwa, including the former tribal areas, the Pakistan Taliban Movement (TTP) conducted cross-border attacks from Afghanistan against security forces. Aided by elements in the Afghan Taliban government, Pakistan officials in November 2021 negotiated a one-month ceasefire with the TTP. However, in December the TTP refused to extend the ceasefire, claiming the government had reneged on a promised release of prisoners. The local branch of the Islamic State (IS), Islamic State Khorasan Province (ISKP), has also claimed responsibility for attacks on Shias.

Civilians face the threat of extralegal violence by state actors, including enforced disappearances. The Voice for Baloch Missing Persons, an advocacy NGO for those who have disappeared, accused the state of operating "death squads" to abduct and kill suspected separatist sympathizers. The number of cases of people registered as missing since 2011 by the official Commission of Inquiry on Enforced Disappearances rose to 8,279 as of the end of November 2021, of which 6,047 cases had reportedly been resolved. The International Commission of Jurists, an international human rights organization, found the Commission of Inquiry's approach had enabled impunity by diverting attention away from the judicial process into an ad hoc process vulnerable to political interference. Most victims are from Khyber Pakhtunkhwa, the former FATA, or Baluchistan, and typically are held

incommunicado by security and intelligence agencies on suspicion of antistate agitation, terrorism, rebellion, or espionage.

In 2021, the Commission of Inquiry did not push for disciplinary action against agencies known to be involved in enforced disappearances; in December 2021, reports emerged that a secret military court sentenced human rights defender Idris Khattak, who had been abducted by the army in 2019, to 14 years imprisonment. The Commission of Inquiry claimed the case had been “disposed of,” and did not consider Khattak to be a victim of an abduction. In November 2021, the National Assembly passed weak legislation to criminalize enforced disappearances, though controversial provisions allow individuals to be prosecuted for bringing supposedly false complaints.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women face discrimination in employment despite legal protections and are placed at a disadvantage under personal status laws. Perpetrators of gender-based violence (GBV) and sexual harassment or discrimination, which are societal challenges, often enjoy impunity. Individuals must register a “first information report” of a crime, and police are often reluctant to pursue complaints of crimes against women, including so-called crimes of honor. Videos of an incident in August 2021, in which a crowd of about 400 men abused a woman in a Lahore park, prompted acknowledgement that violence and degrading behavior by men were common. Prime Minister Khan was accused of perpetuating attitudes that drive endemic violence against women when he publicly opined in a June 2021 interview that women encouraged abuse by dressing inappropriately.

Ethnic and religious minorities, Afghan refugees, and LGBT+ people suffer legal or de facto discrimination and violence. The penal code prescribes prison terms for consensual sex “against the order of nature,” deterring LGBT+ people from acknowledging their identity or reporting abuses. Transgender and intersex people are authorized to register for official documents under a “third gender” classification recognized by the Supreme Court since 2009, and some transgender people were recognized in the 2017 census. However, they face targeted violence and discrimination in housing and employment. Access to identity papers has become increasingly important to avail of rights and services.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are some legal limitations on travel and the ability to change one’s residence, employment, or institutions of higher learning. Authorities routinely hinder internal movement in some parts of the country for security reasons. The main tool for restricting foreign travel is the Exit Control List (ECL), which blocks named individuals from using official exit points from the country. Though intended to prevent those posing a security threat and those facing court proceedings from fleeing, authorities periodically used it to control dissent.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

In principle, Pakistan’s constitution, legal system, and social and religious values all guarantee private property and free enterprise. In reality, organized crime, corruption, a weak regulatory environment, and the subversion of the legal system often render property rights precarious. Powerful and organized groups continue to engage in land grabbing, particularly in Karachi and Punjab.

Inheritance laws discriminate against women, and women are often denied their legal share of inherited property through social or familial pressure.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

In some parts of urban Pakistan, men and women enjoy personal social freedoms and have recourse to the law in case of infringements. However, historically prominent social practices in much of the country subject individuals to social control over personal behavior, and especially choice of marriage partner. Despite successive attempts to abolish the practice, “honor killing,” the murder of men or women accused of breaking social and especially sexual taboos, remains common, and most incidents go unreported.

Though the legal age of marriage is 18 in most of the country, nearly 20 percent of girls are married before that age; 35 percent of child marriages take place in the former FATA. Nearly one-third of women in the country have experienced gender-based physical violence, according to the UN Population Fund. Abortion is illegal, except to save the pregnant person’s life.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Bonded labor was formally abolished in 1992, and efforts to enforce the ban and related laws against child labor continue. For example, in November 2021, a court cancelled the bonds of 43 Hindus who worked for a Khuzdar landlord as agricultural workers. Gradual social change has also eroded the power of wealthy landowning families involved in such exploitation. Nevertheless, extreme forms of labor exploitation remain common. Employers continue to use chronic indebtedness to restrict laborers’ rights and hold actual earnings well below prescribed levels, particularly among sharecroppers and in the brick-kiln industry. Marginalized groups, such as itinerant workers, continue to face difficulties in obtaining a National Identity Card.

Palau

Population: 20,000

Capital: Ngerulmud

Freedom Status: Free

Electoral Democracy: Yes

Overview: Palau’s presidential republic is maintained through regular democratic elections. The judiciary and the media are independent, and civil liberties are generally upheld. The government has sought to combat official corruption in recent years. Many in the country’s large population of foreign workers remain vulnerable to exploitation.

KEY DEVELOPMENTS IN 2021

- In December 2021, the government passed the Digital Residency Identification bill, after initially being defeated by the Senate. The law will offer virtual residency to non-Palauan citizens and the ability to have valid government identification, but it does not provide a pathway to citizenship.
 - In February, President Whipples announced Palau intended to leave the Pacific Island Forum (PIF), a regional body consisting mainly of island nations throughout the
-

pacific. Members of the PIF had been divided over the forum's future leadership, which eventually was given to a Marshall Islands' diplomat. Whipps and others claimed the leadership should have been passed to a candidate from Micronesia.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who serves as both head of state and head of government, is directly elected for up to two consecutive four-year terms using a two-round system, with a runoff if no candidate wins an absolute first-round majority. Surangel Whipps Jr., brother-in-law of term-limited incumbent Tommy Remengesau Jr., was elected in two rounds in November 2020, defeating outgoing vice president Raynold Oilouch. Whipps was sworn in as president in January 2021.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral National Congress consists of a 13-member Senate and a 16-member House of Delegates. All members of the National Congress are elected for four-year terms. Congressional elections were held in November 2020, concurrently with the presidential contest. Most House of Delegates incumbents won new terms, while seven senators were reelected.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral administration is widely considered to be fair and impartial. A review of the Senate's size and electoral system is undertaken every eight years by a Reapportionment Commission. During the 2016 review, the commission recommended the Senate maintain its current seat count. While the Supreme Court ruled that the body should only contain 11 seats in response to a petition, the court restored the original 13-seat count later that year.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no laws restricting the formation of political parties, but in practice all candidates run and compete freely as independents. Politicians tend to organize in loose political alliances, often based on clan or family relationships.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Although there are no political parties, lawmakers do organize into informal progovernment and opposition camps, and no single political force has control of the legislature. Power is transferred democratically between rival politicians.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Palau receives financial assistance from the United States under a Compact of Free Association (CoFA), but the US government does not exert improper influence over the

country's internal politics. While the political views of traditional chiefs are respected, they do not have authoritative control over the choices of voters.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women generally have equal political rights in law and in practice. Some state-level legislative seats are reserved for male chiefs, who in turn are customarily chosen by councils of women elders. After the November 2020 polls, only one woman held a seat in each house of the National Congress.

About a third of the population consists of foreign nationals who do not have political rights in Palau. Citizenship must be inherited from at least one parent, as there are no provisions for naturalization.

In 2019, former president John Toribiong (2009–13) launched a petition seeking to end the acceptance of absentee ballots, asserting that the petition would combat the political influence wielded by the increasing number of citizens living outside the country. In December 2021, the government passed the Digital Residency Identification bill, after initially being defeated by the Senate. The law will offer virtual residency to non-Palauan citizens and the ability to have valid government identification, but it does not provide a pathway to citizenship.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Palau's democratically elected government determines and implements policy without undue interference. Traditional chiefs formally play an advisory role regarding customary matters through the national Council of Chiefs. While they also exercise informal influence over government policy, this is widely seen as a positive check on potential mismanagement or abuse of power by elected officials.

The CoFA, in effect since Palau became independent in 1994, ensures self-government but also provides for close military and economic relations with the United States, including responsibility for Palau's defense. A scheduled 15-year review of the compact resulted in a 2010 bilateral agreement on development aid and other benefits to last until the next review in 2024. In late 2017, former US president Donald Trump signed a defense bill that included implementing provisions for the compact review agreement. Meetings over the CoFA's extension began in 2019 and continued in 2020. In August 2020, then-US defense secretary Mark Esper became the first of his office to visit Palau. Then-president Remengesau invited the United States to establish a military facility in the country during that visit.

Palau maintains diplomatic recognition of Taiwan, amidst several other Pacific nations shifting their recognition to China. President Whipps used his inaugural address in January 2021 to reiterate his desire to support Taiwan and push back against Chinese government influence.

In February 2021, President Whipps announced Palau intended to leave the PIF. Members of the PIF had been divided over the forum's future leadership, which eventually was given to a Marshall Islands' diplomat. Whipps and others claimed the leadership should have been passed to a candidate from Micronesia.

C2. Are safeguards against official corruption strong and effective? 3 / 4

High-ranking public officials have faced corruption charges in recent years, and several have been convicted. The government and lawmakers have deliberated on strategies to deal

with corruption more effectively. The Office of the Ombudsman currently operates as part of the president's office under an executive order.

In 2018, the European Union (EU) said that Palau authorities pledged to implement certain reforms and removed the country from its list of tax havens. Palau was returned to the EU's tax-haven list in February 2020, with the bloc saying Palau had not fulfilled its pledge. It remained on the list in 2021.

C3. Does the government operate with openness and transparency? 3 / 4

A 2014 Open Government Act provides for public access to official documents and hearings, and government officials are obliged to submit annual financial disclosures that are available to the public. However, authorities have sometimes resisted disclosing requested information, particularly at the subnational level.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is respected. There are several independent news outlets, including newspapers and broadcasters, but they often struggle financially. Regional and international news services are also available. Internet access has been hampered by high costs and lack of connectivity outside the main islands.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Constitutional guarantees of religious freedom are upheld in practice. Although religious organizations are required to register as nonprofit organizations, the process is not onerous or restrictive. Foreign missionaries are also required to obtain a permit.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There have been no reports of restrictions on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no constraints on political discussion, and the government does not monitor personal communications.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is protected by the constitution and respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations operate freely, with various groups focusing on issues such as environmental conservation, youth development, public health, and women's rights.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers can freely organize unions and bargain collectively, but there are no laws specifically regulating trade unions or strikes or prohibiting antiunion discrimination. Union

membership and activity are low in practice, as the private sector consists mostly of small, family-run businesses.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary has a reputation for independence and integrity. The president appoints judges to lifelong terms based on recommendations from an independent Judicial Nominating Commission, which is made up of three presidential appointees, three jurists named by their peers, and the chief justice.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The authorities generally uphold legal safeguards against arbitrary arrest and detention, and trial proceedings ensure due process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Law enforcement agencies maintain internal order, and instances of abuse or impunity are rare, though overcrowding in the country's limited detention facilities remains a problem. In 2019, the vehicle of Narcotics Enforcement Agency chief Ismael Aguon was set ablaze. Aguon believed the action could be interpreted as retaliation for a series of upcoming drug trials.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The legal system prohibits discrimination based on gender, race, place of origin, and other categories. Sexual orientation and gender identity are not protected categories, but Palau repealed legal provisions that criminalized consensual same-sex sexual activity in 2014. Then president Remengesau publicly called the country's same-sex marriage ban discriminatory in 2019, though the ban remained in place in 2021. Women generally enjoy equal treatment in practice.

Foreign nationals sometimes face discrimination regarding employment, education, and other matters. Growing tourism from China in particular has created jobs but also raised the cost of living, and some locals regard the presence of Chinese businesses and residents with hostility. However, the number of Chinese tourists has fallen in recent years due to Chinese state policy.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are usually no significant restrictions on freedom of movement, including internal and international travel. However, Palau restricted inbound travel in response to the COVID-19 pandemic in March 2020 and imposed mandatory quarantine periods for travelers that April. Tourists were effectively unable to visit Palau due to pandemic-related measures. These measures were progressively lifted throughout 2021 as the number of individuals vaccinated against the virus increased.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework generally supports property rights and private business activity, and the government has undertaken reforms to improve conditions in recent years, though some bureaucratic obstacles and corruption-related impediments persist.

Noncitizens cannot purchase land, which is inherited matrilineally among Palauans.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are largely respected, and women have equal rights regarding marriage, child custody, and other personal status matters. Rape, including spousal rape, and domestic violence are criminal offenses, though instances of domestic abuse are often not reported to police.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents generally have access to economic opportunity, and the law provides some protections against exploitative labor practices. However, enforcement of such safeguards is inadequate, and foreign workers remain vulnerable to sexual exploitation, forced labor, or otherwise abusive working conditions in sectors including domestic service and agriculture. The minimum wage law does not apply to foreign workers. Some officials have been accused of complicity in human trafficking.

The 2021 US State Department's *Trafficking in Persons Report* noted that the government made efforts to combat human trafficking during its reporting period, including by charging a government official with labor trafficking and conducting research into trafficking with an international organization. However, the report noted that the government lacked standard operating procedures for identifying trafficking victims, had not made a conviction during the reporting period, and did not investigate potential contract violations faced by foreign workers.

Panama

Population: 4,400,000

Capital: Panama City

Freedom Status: Free

Electoral Democracy: Yes

Overview: Panama's political institutions are democratic, with competitive elections and orderly rotations of power. Freedoms of expression and association are generally respected. However, corruption and impunity are serious challenges, affecting the justice system and the highest levels of government. Discrimination against racial minorities is common, and Indigenous groups have struggled to uphold their legal rights with respect to land and development projects.

KEY DEVELOPMENTS IN 2021

- A number of controversial electoral code reforms—including amendments removing gender parity requirements for political parties and lowering the statute of limitations for election-related crimes—were approved by the National Assembly in October, sparking widespread criticism and large protests. Three lawsuits
-

challenging the constitutionality of the reforms were brought before the Supreme Court of Justice (CSJ) in December, and had not been resolved by year's end.

- In May, the CSJ ruled that certain COVID-19-related lockdown measures that were imposed during 2020, including rules that allotted separate days for men and women to leave quarantine, had been unconstitutional. The gender-based quarantine protocol had a disproportionately negative effect on transgender people, who were repeatedly subjected to discriminatory or humiliating treatment by police officers.
- Over 126,600 migrants illegally entered the country via the Darién Gap, a dangerous stretch of jungle along the border between Panama and Colombia, during the year—more than in the previous 11 years combined. Many migrants who traveled through the Darién Gap were subjected to physical and sexual violence by criminal groups that control the area.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is elected by popular vote for a single five-year term, and cannot serve a second consecutive term. In May 2019, Laurentino Cortizo of the Democratic Revolutionary Party (PRD) was elected president with 33.3 percent of the vote, narrowly defeating Democratic Change (CD) party candidate Rómulo Roux, who won 31 percent of the vote. José Blandón of the then ruling Panameñista Party (PP) won 10.8 percent. However, Organization of American States (OAS) election monitors described the contest as orderly, and a peaceful transition took place that July.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 71-seat unicameral legislature, the National Assembly, are elected for five-year terms. The 2019 elections were held simultaneously with the presidential race and local contests. The PRD won 35 seats, while the CD won 18, the PP won 8, and the United for Change alliance (MOLIRENA) won 5. Another 5 seats went to independents.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The country's electoral framework is generally fair and impartially implemented. The Electoral Tribunal (TE) of Panama is responsible for presiding over a multistakeholder commission that reviews the electoral code after each election and submits reform proposals to the National Assembly.

In October 2021, the National Assembly approved a number of electoral code reforms, including reducing the statute of limitations for election-related crimes and removing articles requiring gender parity in party primaries. The reforms—some of which were introduced by legislators without consulting the TE—were widely condemned by civil society organizations, which said that the changes reduced electoral transparency and accountability. Three lawsuits challenging the constitutionality of the reforms, including one filed by the magistrates of the TE, were presented to the CSJ in December. The lawsuits were ongoing at year's end.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties are free to form and compete in Panama's multiparty system, and since the 2014 elections, candidates have also been able to register as independents. Two new political parties were legally recognized by the TE in September 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Elections are competitive in practice, and orderly transfers of power between rival parties have been the norm since the end of de facto military rule in 1989.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally free from undue interference by groups outside the political system, though the threat that improper donations by drug traffickers and other powerful interests could influence the political process remains a concern, especially given regulatory gaps in campaign financing.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The law does not limit the political rights of any segment of the citizen population. Though women's advocacy organizations have campaigned to improve women's representation in elected office, it remains low, and electoral code reforms adopted in October 2021 removed previously required gender parity regulations. Only 22.5 percent of National Assembly seats went to women in the 2019 election. That election also saw the first woman from the Guna Indigenous group take her seat.

The constitution establishes five Indigenous territories—three at the provincial level and two at the municipal level—and these are duly represented in the system of constituencies for the National Assembly, but the interests of Indigenous people, who make up about 11 percent of the population, remain inadequately addressed by the political system as a whole.

C. FUNCTIONING OF GOVERNMENT: 8 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The elected government and legislature generally determine and implement laws and policies without interference, though evidence of official corruption has raised concerns about the possibility that unelected entities could unduly influence governance.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Safeguards against official corruption are relatively weak and ineffective, due in part to irregular application of the laws and a lack of resources for the judicial system. The Special Anticorruption Prosecutor's Office was formed in 2017 to prosecute those accused of corruption, but has failed to secure convictions in many of these cases.

Investigations have revealed extensive corruption in several presidential administrations. Former president Ricardo Martinelli and multiple top officials were implicated in connection

with the Odebrecht case, a corruption scandal centered on a Brazilian construction firm that had repercussions across much of Latin America. Martinelli was arrested in the United States in 2017 and extradited to Panama in 2018, but in August 2019 he was acquitted on charges including wiretapping and the improper use of state funds. In July 2020 prosecutors announced new embezzlement charges; his trial began in July 2021. Martinelli was acquitted in November after the court ruled that there was insufficient evidence to prosecute him.

Martinelli's two sons were also implicated in the Odebrecht scandal; they were arrested in the United States in 2018 after Panamanian prosecutors accused them of large-scale corruption during their father's term in office. In July 2020, the brothers were arrested in Guatemala, and in late 2021 were extradited to the United States, where they were charged with facilitating \$28 million in bribes during the Martinelli administration.

The Cortizo administration's anticorruption and transparency efforts have slowed since 2019, when the National Assembly rejected the president's proposal of a constitutional reform package that would have allowed the attorney general to investigate Supreme Court judges and legislators suspected of wrongdoing. The National Assembly also repeatedly refused to discuss anticorruption legislation throughout 2020 and 2021.

Critics in civil society describe a pattern of unresolved corruption investigations resulting in impunity, a dynamic reinforced by scandals and turnover in the Prosecutor General's Office in recent years.

C3. Does the government operate with openness and transparency? 2 / 4

The law provides mechanisms for public access to government information. A transparency law was introduced in 2002, and the Varela administration adopted an open data policy, instructing public institutions to make data accessible to the public in clear, open, and machine-readable formats. However, in 2020 the pandemic and associated state of emergency led to a marked decline in transparency and effective controls on public contracting and procurement processes, as well as unresponsiveness by public officials to public information requests and passivity by the agencies charged with ensuring transparency. In September 2021, the National Authority for Transparency and Access to Information (ANTAI) published a two-year plan that introduced reform initiatives intended to combat nontransparency within the government, including in public procurement processes.

CIVIL LIBERTIES: 48 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

News consumers have access to a wide variety of private media outlets that present a range of views, but the constitutional guarantee of freedom of the press is not consistently upheld. Journalists sometimes face harassment and intimidation for their work. Libel is both a civil and a criminal offense, while defamation and insult have also been defined in the criminal code. Such cases are often filed against journalists and media outlets.

Independent, critical journalists and outlets reportedly face editorial pressure from the government, and some journalists have experienced harassment when covering stories and opinions unfavorable to the government. In September 2021, journalist Mauricio Valenzuela was charged with gender-based violence (GBV) for allegedly harassing sitting parliamentarian Zulay Rodríguez. Valenzuela, who had recently contributed to a series of investigative reports implicating Rodríguez in various crimes, denied the accusation; his employer, digital media outlet Foco Panama, accused the government of using the judicial system to target critical media outlets. Valenzuela had not been tried by year's end.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution recognizes Roman Catholicism as the majority religion and requires general “respect for Christian morality and public order,” but freedom of religion is otherwise guaranteed and broadly upheld in practice. Catholic religious instruction is offered but not mandatory in public schools.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government generally honors academic freedom, and the schools are free from political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is free and vibrant, and use of social media platforms for the expression of personal views, including views on political or social issues, is not restricted.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is generally respected, and peaceful demonstrations are common, though protests that block roads and highways often result in arrests and altercations with police.

Several large protests took place in 2021, including in September and October, when thousands of people protested against controversial electoral reforms that include provisions that, among other things, disadvantage both independent and women candidates. In April, women’s rights activists staged protests against a CSJ decision to acquit sitting legislator Arquesio Arias on charges of sexual assault. A number of protesters were detained and charged with disturbing public order, prompting further protests against the detentions.

In January, the Ombudsman’s Office introduced the Citizen Accompaniment Plan (PAC), a program intended to protect the rights of citizens participating in civic action, including protests. The PAC was created in accordance with guidelines set forth by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for managing assemblies, and allows for human rights officers to observe demonstrations and facilitate communication between citizens and the authorities.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely, but some activists—particularly those focused on environmental issues and Indigenous rights—have complained of harassment and intimidation, including through lawsuits by private companies.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The law generally protects workers’ rights to unionize, bargain collectively, and engage in legal, peaceful strikes. However, enforcement of labor protections is inadequate, and labor-related protests frequently feature clashes with police. Public employees are allowed to form associations to engage in collective bargaining and strike activities, but their rights have historically been weaker when compared to those of unions.

F. RULE OF LAW: 10 / 16**F1. Is there an independent judiciary? 2 / 4**

The country's judicial system is plagued by corruption and inefficiency. Public disagreements between the Prosecutor General's Office and judges over rulings that impeded major corruption cases in recent years have raised doubts about whether such cases would be heard impartially.

The implementation of a "judicial career law," which includes provisions establishing performance regulations and mandating that both sitting judges and those wishing to become members of the judiciary undergo robust evaluation processes, remained stalled in 2021 due to financial constraints and a lack of qualified officials available to oversee the process.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process is constitutionally guaranteed but inconsistently upheld in practice. The justice system features extensive use of lengthy pretrial detention. According to official statistics, as of December 2021, pretrial detainees represented 37 percent of the country's prison population.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The country is free from major threats to physical security such as war and insurgencies. However, police have been accused of beatings and other forms of excessive force, including while dispersing protests. The prison system is marked by overcrowding, poor health conditions, a lack of security, and widespread contraband smuggling.

The illegal drug trade and related criminal violence remain problems. Panama's homicide rate has steadily risen in recent years, including an increase of 11 percent between 2020 and 2021, though it remains below that of most countries in the region.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Discrimination based on gender, race, and other such categories is prohibited by law, but sexual orientation and gender identity are not covered, and racial minorities—including Indigenous people, Panamanians of African descent, and certain immigrant groups—face some discrimination in practice. Indigenous communities enjoy a significant degree of autonomy and self-government, but many Indigenous people live in poverty and lack equal access to basic services. An influx of migrants and asylum seekers from Venezuela, Cuba, and other troubled countries in the region has stoked anti-immigrant sentiment in recent years.

The number of migrants illegally crossing the 60-mile-wide Darién Gap, a dangerous stretch of jungle along the border between Panama and Colombia, reached a record high in 2021. Official statistics show that over 126,600 migrants entered Panama via the Darién Gap during the year—more than in the previous 11 years combined. Both local and international human rights groups have called on the government to do more to protect migrants, who are frequently subjected to physical and sexual violence from criminal groups that control the Darién Gap.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government generally respects freedom of foreign travel and internal movement, including the freedom to change one's place of residence, employment, or education. These

freedoms were temporarily and intermittently curtailed in 2020 as part of efforts to limit the extent of the COVID-19 pandemic. In May 2021, the CSJ ruled that certain movement restrictions implemented during 2020, including those that had allotted separate days for men and women to leave quarantine, had been unconstitutional.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals can own private property and establish businesses freely under the law, but there are some practical impediments to defending property rights and operating businesses, including corruption and interference from organized crime.

Although Indigenous groups have substantial land rights under the law, implementation has been problematic. Such groups have long protested the encroachment of illegal settlers on their lands, government delays in the formal demarcation of collective land, and large-scale development projects that proceed despite dissent within indigenous communities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are largely unrestricted. However, domestic violence is a concern; according to the Attorney General's Office, more than 17,000 domestic violence cases were registered in 2021, an increase of roughly 15 percent compared to those registered in 2020. Abortion is permitted in cases of rape or incest or to preserve the life or health of the woman, though there are significant procedural obstacles as well as potential penalties for abortions that do not meet the legal standard.

In September 2021, the CSJ rejected a case challenging the constitutionality of a 2019 TE refusal to register a same-sex marriage that had been legally performed in Colombia. Following the CSJ's verdict, the couple involved announced plans to bring their case before the Inter-American Court of Human Rights (IACHR).

During the COVID-19 lockdown, the government instituted a quarantine protocol allowing women and men were to leave home on alternate days. Human rights groups decried the measure's impact on transgender Panamanians, who were repeatedly subjected to discriminatory or humiliating treatment by police officers. In May 2021, the CSJ ruled that the gender-based quarantine protocol had been unconstitutional.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking for sexual exploitation and forced labor remains a serious problem despite some government efforts to combat it. Both Panamanian and migrant workers in certain sectors—including the agricultural sector, where many workers are Indigenous people—are subject to exploitative working conditions. Enforcement of basic labor protections is weak in rural areas and among informal workers.

Papua New Guinea

Population: 9,100,000

Capital: Port Moresby

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Papua New Guinea (PNG) is a democracy in which elections are held regularly, but the polls have often been marred by irregularities and violence. Party allegiances are unstable, and only two governments have survived for a full term since independence in 1975. Since the turn of the century, a boom in mineral resources extraction has helped successive incumbent governments to consolidate control. The judiciary retains significant independence, and the media are mostly free to criticize the government. Corruption remains a serious problem.

KEY DEVELOPMENTS IN 2021

- In July, the Supreme Court quashed stays on the execution of prisoners facing the death penalty, raising the possibility that executions would be carried out for the first time in decades. In September, however, the government formed a Power of Mercy Committee to hear commutation requests.
- In October, former prime minister Peter O'Neill was acquitted of the charge of abuse of power; the case stemmed from an investigation into irregularities or corruption surrounding the 2013 purchase of generators from Israel.
- Also in October, the Australian government decided to end an agreement under which PNG had accepted asylum seekers aiming to reach Australia. The PNG government agreed to offer measures including citizenship and family reunification for any remaining asylum seekers who wished to reside in the country.

POLITICAL RIGHTS: 23 / 40

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The governor general represents the British monarch as head of state and formally appoints the prime minister, who is the head of government, following an election process in Parliament. A law provides that the largest political party emerging from general elections has the first right to nominate a prime minister. Peter O'Neill of the People's National Congress (PNC) received a second term as prime minister after the 2017 elections. He resigned in May 2019 after internal party upheaval. Parliament selected former finance minister James Marape to replace O'Neill; a legal challenge against Marape's succession to the post was rejected by the Supreme Court in November 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Members of the unicameral, 111-member National Parliament are directly elected for five-year terms. A limited preferential voting system requires voters to choose three preferred candidates on their ballots.

Serious flaws, including bribery and voter fraud, were reported in the 2017 elections. Some areas, notably the Highlands Region, experienced election-related violence that resulted in dozens of deaths, as well as severe property damage. Due to irregularities, election results in Southern Highlands Province were released several months late and sparked renewed violence in the town of Mendi once made public. While the electoral process was smoother in coastal areas, those regions were not completely free from irregularities and violence. Allegations of voter roll manipulation that favored the incumbent government were widespread, though most clear abuses were localized in the Highlands. Election observers expressed disappointment that recommendations to clean up voter rolls were disregarded.

Parliamentary seats were ultimately divided among numerous parties. The PNC won 25, the National Alliance Party won 15, independents won 12, and the Papua and Niugini Union Party (Pangu) won 10. Lawmakers defected to Pangu in subsequent years; by April 2021, the party claimed the loyalties of 34 members.

In April 2021, Don Polye, who lost his seat in the 2017 polls, returned to Parliament after a court-ordered recount found that he outpolled the PNC candidate.

A by-election was held in Moresby North West in June 2021 to determine a successor for former prime minister Mekere Morauta, who died while holding the seat in February. The contest was marred by voter roll difficulties; registered voters discovered that other individuals had cast ballots using their names, while deceased individuals remained registered. A Pangu candidate won the seat.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The electoral law, which requires voters to rank three candidates on a preferential ballot, is fair but complex to administer. The voter rolls are poorly maintained. Prime Minister Marape vowed that the 2021 census would be used to update the voter rolls. However, in July the National Statistical Office confirmed that the census would be deferred to 2024, blaming COVID-19.

At the local level, election management bodies are chronically lacking in independence, particularly in the Highlands. Irregularities do not necessarily benefit incumbents, more than half of whom usually lose their seats in elections.

Electoral officials have faced allegations of corruption in recent years. A trial against former electoral commissioner Patilias Gamato and election manager Terence Hetinu on charges related to their conduct during the 2017 elections began in September 2021. In November, Hetinu was convicted of corruption for receiving a bribe from a candidate. Gamato was acquitted.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are able to form and operate freely, but many candidates run as independents and join factions only after reaching Parliament. Electoral loyalties are driven by local and personal factors at the constituency level. Lawmakers frequently switch affiliations and alliances. A law constraining freedom of movement between parties was ruled unconstitutional in 2010.

Prime Minister Marape has transformed Pangu, the country's oldest party, into his vehicle for reelection in 2022. A large number of lawmakers have defected from their former parties to join Pangu since 2019, making it the largest parliamentary group.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The opposition has a reasonable chance of dislodging the government through elections, defections, or no-confidence votes. Since independence in 1975, only two governments have served a full five-year term: the Michael Somare-led government (2002–07) and the O'Neill-led government (2012–17). At the same time, the law granting the largest party the first opportunity to form a government creates an electoral advantage for sitting prime

ministers, and no-confidence votes have been used by PNG politicians to seek incumbency ahead of elections. Incumbent governments have won all three elections since 2007.

The frequency of no-confidence votes has been diminished somewhat by a provision that grants an incoming prime minister an 18-month “grace period.” However, they remain regular occurrences. While Marape’s first grace period expired in November 2020, he was vulnerable for eight months before another 12-month grace period began ahead of the 2022 elections. An effort to dislodge him via a no-confidence vote collapsed in December 2020, and he avoided another vote in April 2021 when Parliament was adjourned, ostensibly due to COVID-19.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Most citizens and candidates are generally free to make political choices without undue interference. However, some local leaders, politicians, and candidate agents control the balloting process, particularly in the Highlands, and complete the ballot papers in bulk—a form of “assisted voting.” As a result, the affected citizens are effectively denied the right to vote.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Although all citizens have equal political rights under the law, women are underrepresented in elected offices. The 2017 elections featured the highest number of women candidates ever, but none won legislative seats, and there are currently no women in the 111-seat Parliament. In April 2021, Attorney General Eric Kwa voiced his support for a proposal to reserve five seats for women. However, the government did not legislate to effect this change during the year.

LGBT+ people face societal discrimination that impedes their ability to advocate for their interests in the political sphere.

A 2001 peace agreement ended a civil war in Bougainville and provided for an independence referendum in the ethnically diverse autonomous region. Over 180,000 people participated in a nonbinding referendum in 2019, and 97.7 percent voted for independence. In a July 2021 statement, Marape and Bougainville president Ishmael Toroama agreed to finalize a political settlement “no earlier than 2025 and no later than 2027.” Marape has stated that the agreement would ultimately require the approval of Parliament.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The prime minister heads the government, but cabinet ministers often exert considerable control over their portfolios without necessarily being answerable to the cabinet. Prime ministers frequently suspend Parliament during periods of vulnerability to no-confidence votes; speakers of Parliament wield significant power while the body is suspended, and suspensions can be lengthy.

There are no powerful external forces that determine the policies of government, though logging and mining companies have been known to obtain influence. The government has only a limited ability to implement its policies across the country, as the state’s presence in more remote areas is minimal.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive and remains the most important hindrance to development. Anticorruption institutions have been subject to political interference. Task Force Sweep

was established in 2011 to root out corruption, and it carried out a variety of investigations against politicians, civil servants, and businessmen. However, when the unit turned its attention to fraudulent payments made to Port Moresby law firm Paraka Lawyers and allegedly authorized by then prime minister O'Neill, he disbanded the task force; when courts ordered its resurrection, the government cut its funding.

O'Neill was arrested in May 2020 in connection with an investigation into procedural irregularities and possible corruption in the purchase of generators from Israel in 2013. He was acquitted of abuse of power in October 2021.

In November 2020, Parliament passed legislation to establish an Independent Commission against Corruption (ICAC). In February 2021, ICAC interim chairman Thomas Eluh warned that the body did not yet have the capacity or resources to address corruption cases. A National Fraud and Anti-Corruption Directorate exists within the police force but is also underresourced.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque, and the government does not frequently release reliable information about public expenditures, procurement processes, or officials' assets. PNG does not have an access to information law. When government figures are released, especially regarding public revenue and expenditure, they are often inaccurate and are sometimes manipulated.

In 2014, the PNG government used a A\$1.2 billion (US\$810.5 million) loan to purchase a share in the oil exploration firm Oil Search, which it later sold at a loss. Hearings into the deal began in 2019. In June 2021, a commission of inquiry heard that the loan, which was provided by Swiss bank UBS, was made despite warnings from within the cabinet. The commission additionally heard that the deal was only submitted to Parliament after it was put in place. The inquiry was ongoing as 2021 ended.

CIVIL LIBERTIES: 39 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Freedom of the press is generally respected. Local media provide independent coverage of the political opposition, as well as controversial issues such as alleged police abuse and official corruption. However, politicians have been known to harass media professionals over negative stories, and journalists can face physical attacks in the course of their work.

There have been fewer incidents of censorship of journalists during the Marape government compared with the frequent violations of the O'Neill era. However, Reporters Without Borders (RSF) noted in its 2021 report that journalists have been prevented from investigating Australian-operated detention centers for asylum seekers in PNG.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally upheld. There have been reports of larger churches criticizing newer and smaller groups, and of anti-Muslim rhetoric that has accompanied the arrival of Muslim refugees, but no major infringements on religious liberty have been alleged in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected, though the police have at times violently suppressed student demonstrations on campus.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no major constraints on the expression of personal views. However, a 2016 cybercrime law allows the prosecution of people who publish defamatory material or incite violence on social media, raising concerns that it could be misused to punish legitimate speech.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution provides for freedom of assembly. However, marches and demonstrations require 14 days' notice and police approval, and authorities sometimes deny permits.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

A number of nongovernmental organizations (NGOs) operate in the country, including groups focused on human rights and environmental causes, as well as some that provide social services. Most are small and lack resources, but they are otherwise free of serious constraints on their activities.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers' rights to strike, organize, and engage in collective bargaining are largely respected. However, the government has frequently imposed arbitration in labor disputes to avert strikes, and protections against antiunion discrimination are unevenly enforced. Most workers are employed in the informal sector and lack access to union protections.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 3 / 4

While successive governments have exerted political pressure on the court system, the judiciary is generally independent. Judges are appointed by the largely apolitical Judicial and Legal Services Commission and cannot be removed arbitrarily. Laypeople sit on village courts to adjudicate minor offenses under customary and statutory law. In recent years, the higher courts have repeatedly demonstrated their impartiality by ruling against the government and its political interests.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are poorly upheld. Arbitrary detention is relatively common, and opportunities to challenge such abuses are limited in practice. A shortage of trained judicial personnel is a key cause of lengthy detentions and trial delays. The police force is chronically underfunded. In 2020, then police commissioner Bryan Kramer alleged that officers are involved in criminality, including drug and firearms trafficking and land theft.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Law enforcement officials are frequently implicated in acts of brutality. Prison conditions are poor, and the correctional service is understaffed. Prison breaks are common. Lack of economic opportunities exacerbates social unrest, frequently resulting in violent clashes, injuries, and deaths. An Australian police assistance program exists to help provide security,

but its officers lack powers of arrest and are restricted by a 2005 court ruling that removed immunities from prosecution under local law.

Tribal violence and “payback” attacks are common in the Highlands Region. In April 2021, at least 19 people were killed in fighting in the Eastern Highlands.

Capital punishment was most recently reintroduced in 1991, though no executions have been carried out since 1954. In July 2021, the Supreme Court quashed stays on the execution of individuals who had received death sentences. In September, however, the government formed a Power of Mercy Committee to hear the commutation requests of those sentenced to death.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution guarantees equality regardless of race, tribe, religion, sex, and other categories, but various forms of discrimination are common in practice. Same-sex sexual relations are a criminal offense that can draw up to 14 years in prison, though the relevant laws are rarely enforced. There is some discrimination against people of Chinese origin; a growing Chinese business presence in the country has drawn resentment for allegedly disadvantaging other groups. Women face legal discrimination in employment in addition to societal biases. Allegations of sorcery have been used to target women for violence.

Australia long paid the PNG government to accept asylum seekers who arrived in Australian waters by boat, but as the program wound down in recent years, those who were not granted refugee status or did not agree to settle in PNG were left in limbo. While the Australian government remained reluctant to allow refugees to enter Australia, some have been sent to the United States as part of a deal between Canberra and Washington.

In 2016, PNG’s Supreme Court ruled that the Manus Island detention center, where Australia held asylum seekers as part of its partnership with PNG, was unconstitutional, and the facility officially closed in 2017. Many residents spent several years at the site amid reports of poor living conditions, violence, and mental health problems. In 2019, those remaining on Manus were moved to Port Moresby and held under especially poor conditions at the Bomana Immigration Detention Centre. Some eventually agreed to return to their country of origin, though 100 people reportedly remained in Port Moresby as of 2021.

In October 2021, the Australian government agreed to end its regional processing contract with PNG effective December 31, while the PNG government agreed to offer measures including citizenship and family reunification for any remaining asylum seekers who wished to reside in the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement is somewhat restricted in the Highlands; survivors of tribal violence are known to limit their domestic travel or go into hiding in the immediate aftermath of skirmishes and attacks. Travelers in Port Moresby are subject to roadblocks, where authorities check the registration of their vehicles. Movement was also restricted for refugees and asylum seekers who resided on Manus Island and in Port Moresby.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

In PNG, 97 percent of the land area is theoretically under customary tenure, but Special Agriculture and Business Leases (SABLs) have been used to facilitate land grabs by

unscrupulous investors. In 2013, a government commission found that most active SABLs were illegal and recommended their cancellation. In 2017, then prime minister O'Neill claimed that all SABLs were canceled, but the lands and physical planning minister acknowledged in 2018 that most were still being contested in court. Many of the leases remained in place in 2021, with local activists warning that large-scale logging was ongoing on land covered by the scheme.

Women face disadvantages regarding property rights and inheritance, particularly under customary law.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The law provides some protections for individual rights on personal status matters like marriage and divorce, but early or forced marriage remains a problem, and legislation meant to combat widespread family violence and aid victims is poorly enforced. Abortion is illegal except when necessary to save the life of the child bearer.

About two-thirds of partnered women have experienced physical abuse, according to multiple studies. In one high-profile case in September 2021, three men suspected of murdering a woman were released from custody for lack of evidence; the woman's husband, who was one of the defendants, had reportedly confessed to the killing, and the woman's body was found in his car.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal safeguards against exploitative working conditions are weakly enforced, and frequent abuses in sectors including logging and mining have been reported. The US Labor Department has previously assembled evidence of child labor in the coffee, cocoa, palm oil, and rubber sectors, as well as in commercial sexual exploitation.

According to the US State Department's *Trafficking in Persons Report 2021*, no anti-trafficking investigations or prosecutions took place in PNG during the reporting period. The State Department also noted that corrupt officials were facilitating sex trafficking as well as forced labor.

Paraguay

Population: 7,300,000

Capital: Asunción

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Paraguay's democracy is dominated by the conservative Colorado Party. Corruption remains widespread, while organized crime, environmental destruction, and systemic discrimination damage the rights of rural and Indigenous populations. Poverty and gender-based discrimination also limit the rights of women and children.

KEY DEVELOPMENTS IN 2021

- In March, allegations of corruption involving government mismanagement of the COVID-19 pandemic led to the resignation of then health minister Julio
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Mazzoleni. The allegations, which triggered countrywide protests, prompted the opposition to initiate impeachment proceedings against President Mario Abdo Benítez; the impeachment attempt was blocked later that month by a congressional bloc aligned with former president Horacio Cartes.

- Due to the coronavirus pandemic, local elections originally scheduled for November 2020 took place in October; the elections, which saw the introduction of a ranked-choice voting system, were generally deemed free and fair by international observers. However, observers registered concern over a spike in election-related violence in the run-up to the polls, which resulted in the deaths of at least five people.

POLITICAL RIGHTS: 28 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected to no more than one five-year term. The conservative Colorado Party has held the presidency for most of the past 75 years. The most recent exception, left-wing former president Fernando Lugo, was removed from office in a legal, if highly controversial, “express impeachment” in 2012.

Mario Abdo Benítez of the Colorado Party won the presidency in the 2018 election, taking a little over 46 percent of the vote. Efraín Alegre, of the opposition Alianza Ganar coalition, took 43 percent. International observers described the election as largely fair, although allegations were made of fraud, vote-buying, and a media blackout affecting other candidates.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral Congress consists of an 80-member Chamber of Deputies and a 45-member Senate, with all members elected for five-year terms. The 2018 legislative elections resulted in a majority for the Colorado Party in the Chamber of Deputies, but no party won a majority in the Senate. Monitoring missions considered the polls to be generally competitive and credible.

Due to the coronavirus pandemic, local elections were delayed from November 2020 to October 2021, and party primaries, which were originally planned for July 2020, took place in June 2021. The local elections were deemed generally free and fair by international observers. However, observers registered concern over a spike in election-related violence in the run-up to the October polls, which resulted in the deaths of at least five people.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Superior Electoral Court of Justice (TSJE) regulates electoral processes. The government has yet to implement most recommendations the European Union (EU) election observation mission issued in 2013 and 2018, including securing the independence of the TSJE, making vote recounts possible, and making it easier for Indigenous peoples to vote.

The October 2021 local elections were administered under electoral code reforms adopted in 2019, which introduced a new system of ranked-choice voting. Additionally, both the June 2021 party primaries and the October local elections featured the use of new electronic voting machines.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The Colorado Party has been in power for most of the past 75 years. The party dominates the national political scene with the opposition Authentic Radical Liberal Party (PLRA), though both contain rival internal factions.

Several smaller parties emerged or increased their standing in the 2018 elections, including Patria Querida (PPQ), Hagamos (PPH), and Movimiento Cruzada Nacional (MCN).

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Despite the dominance of the Colorado Party, opposition parties have a realistic chance of gaining power through elections. Former president Lugo was able to come to power in 2008 due to a split in the ruling Colorado Party, while a liberal-left coalition, Alianza Ganar, came close to taking the presidency in 2018. In addition, rival factions within the Colorado Party serve as a kind of internal opposition and have recently alternated in power.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Citizens are generally free from direct interference in their political choices. However, the ruling Colorado Party has been accused of using its extensive patronage network and access to public-sector jobs to recruit voters. In March 2021, a Colorado Party candidate for the Asunción city council was accused of handing out Health Ministry medication while campaigning. The party also faced public backlash in July amid claims that thousands of people had been added to the party's public register without their consent; party officials claimed that the register had been hacked.

There is also some concern over the growing political influence of Brazilian landowners in eastern regions. The constitution bars military personnel from politics.

B4. Do various segments of the population (including ethnic, racial religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Political office is overwhelmingly dominated by male and White or mestizo individuals. No Afro-Paraguayans or Indigenous people held legislative office in 2021. Women hold only 21 out of 125 seats in Congress, and no regional governorships.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

While elected officials determine government policy, the making and implementation of decisions is often influenced or hampered by organized crime and corruption.

A major scandal in July 2019 stoked fears that a renegotiation of the dividends of the Itaipú dam—a publicly owned hydroelectric facility shared with Brazil—due by 2023 will be determined by private interests.

Former president Cartes retains considerable influence over government policy and personnel. At the height of the 2019 Itaipú scandal, only the private intervention of Cartes saved Abdo Benítez from impeachment. A congressional bloc aligned with Cartes again blocked efforts to impeach Abdo Benítez in March 2021, when the opposition voted to begin impeachment proceedings against the president over his handling of the COVID-19 pandemic.

In October 2020, the lower house voted to suspend opposition deputy Celeste Amarilla of the PLRA for two months after she alleged that at least 60 of her 80 colleagues held their seats due to “dirty money.” Critics said her suspension, driven by the ruling Colorado Party, contravened the constitution and parliamentary privilege.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and impunity are serious problems, and anticorruption laws have been poorly implemented. Cases often languish for years in the courts. Anticorruption protests and citizen transparency initiatives have forced the prosecution of officials from several parties under Abdo Benítez, who has taken a somewhat firmer line against corruption than his predecessors.

During 2020 and 2021, serious and credible allegations of corruption were made regarding the purchase of coronavirus-related supplies by the government, including by the Ministry of Health and state-owned fuels firm Petropar. In March 2021, reports emerged that medications meant to supply public hospitals were being sold on the black market, exacerbating a serious drug shortage within the country. The scandal triggered a wave of antigovernment protests and the resignation of then health minister Julio Mazzoleni. Another coronavirus-related scandal unfolded in May, when it was reported that more than 500 politically connected people had used their influence to receive COVID-19 vaccinations before becoming eligible. A senator implicated in the scandal later resigned.

In August 2021, the US Treasury Department sanctioned three prominent businessmen based in Paraguay for their alleged role in an international money-laundering scheme, which, according to US officials, involved local politicians, police, and judges.

C3. Does the government operate with openness and transparency? 2 / 4

Government transparency is gradually improving, and the effective implementation of access to information laws has bolstered investigative journalism. Anticorruption demonstrations are becoming more common.

However, transparency initiatives often go unenforced. For example, in late 2019, an online platform intended to track publicly purchased Health Ministry supplies and allow citizens to report drug shortages was shut down without explanation.

CIVIL LIBERTIES: 37 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 2 / 4

Constitutional freedoms of expression and the press are unevenly upheld. Ownership of Paraguay’s largest media outlets is increasingly concentrated in three powerful companies, whose political and business interests frequently influence media content.

Direct pressure against journalists, including threats by criminal groups and corrupt authorities, encourages self-censorship. In February 2020, Brazilian journalist Lourenço “Léo” Veras was shot and killed in the border city of Pedro Juan Caballero. Veras had reported receiving death threats from narcotraffickers.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Diverse religious groups generally worship freely. However, the cultural dominance of the Catholic Church has spread further into public and private life, sometimes to the detriment of individual rights. Religious groups unaffiliated with the Catholic Church claim the government disproportionately subsidizes Catholic schools. There have also been concerns

from human rights groups that Indigenous holidays are not respected by employers of other religious backgrounds.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Although academia is generally independent, student elections and professional advancement often depend on affiliation with the Colorado Party or the PLRA.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Citizens can, for the most part, engage in free and open private discussion, though the presence of armed groups in some areas can serve as a deterrent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Protests are common but sometimes repressed. Numerous largescale protests took place in 2021, including in September, when several thousand Indigenous demonstrators assembled in Asunción to protest a law that allows those convicted of “occupying” disputed land to be sentenced to up to ten years in prison. Violent clashes broke out between police and protesters when police attempted to forcibly disperse the protest. Another large land rights demonstration, which saw thousands of protesters demand that the government stop enforcing violent evictions of Indigenous communities, was held in December.

Protests over the government’s handling of the COVID-19 pandemic erupted across the country in early March; thousands of people participated in the antigovernment demonstrations, which were held daily through the end of the month. Though the protests were largely peaceful, riot police used tear gas and rubber bullets in an attempt to disperse the demonstrations, leading to violent confrontations between protesters and security forces.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

Paraguay has a strong culture of largely free nongovernmental organizations (NGOs) working in the field of human rights and governance. However, political access tends to be given to organizations made up of senior business figures or religious groups.

In March 2021, a local NGO, the Center for Analysis and Dissemination of the Paraguayan Economy (CADEP), and the University of Illinois Chicago published a report alleging that for over 20 years, Paraguay’s tobacco industry has engaged in pervasive tax evasion and tobacco smuggling schemes. The following month, the Paraguayan Tobacco Union—which is affiliated with former president and tobacco magnate Horacio Cartes—filed a lawsuit against CADEP, accusing the organization of using “erroneous data” in its report. A judge also ordered CADEP to submit all research materials used in the report to the court. The lawsuit has been widely condemned as politically motivated.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The right to unionize is constitutionally protected. However, registration procedures for trade unions are cumbersome, and only 7 percent of workers are unionized. Union membership is skewed toward public sector employees: as of 2019, 28 percent of state employees belonged to a union, compared to just 0.6 percent of private sector workers.

Labor activism was nevertheless robust in 2021, with a number of teachers’ unions declaring a strike in October to demand that the government comply with a 2018 law that

guaranteed a 16 percent increase in teachers' salaries. The National Union of Physicians (SINAMED) also engaged in industrial action, and went on strike in September, calling on the government to increase both the health budget and physician salaries.

F. RULE OF LAW: 7 / 16**F1. Is there an independent judiciary? 2 / 4**

The judiciary is nominally independent, but money launderers, drug traffickers, and corrupt politicians have co-opted local judicial authorities. Public prosecutors show increasing signs of co-optation by the ruling Colorado Party.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are poorly upheld, largely due to corruption that permeates the judicial system. Individuals with influence or access to money are frequently able to obtain favorable treatment in the justice system. Cases like the 2012 killings of 6 policemen and 11 peasant farmers in Curuguaty are yet to be investigated fully and fairly.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Paraguay is one of the region's safer countries. However, the Paraguayan People's Army (EPP) guerilla group is still active in the northeast. A September 2020 raid on an EPP camp that resulted in the killings of two 11-year-old Argentine girls generated sharp criticism.

Violence between organized crime groups predominantly takes place along the Brazilian border, but is spreading. Illegal detention and torture by police and security forces still occur. Overcrowding and unsanitary conditions are serious problems in prisons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Paraguay lacks legislation protecting against all forms of discrimination. While same-sex sexual activity is legal, members of the LGBT+ community face endemic discrimination.

Indigenous people similarly face discrimination and lack access to adequate health care. Rampant deforestation, man-made forest fires, severe droughts, and forced evictions threaten the last Indigenous Ayoreo groups in voluntary isolation and Indigenous Guaraní settlements.

Mennonite communities in the Chaco are afforded a wide degree of legal forbearance, as are Brazilian and European-descended ranchers in the eastern region.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement is generally respected, though the presence of armed or criminal groups can discourage travel in some areas. Most people can change their employment without legal impediment. For students, moving between educational establishments can prove difficult as faculty often have the power to retain grades.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although there are few formal restrictions on private business activity and property rights, land disputes, often linked to historic misappropriation of public land and disrespect

of Indigenous land rights, remain a problem. In October 2021, the UN Human Rights Committee (OHCHR) ruled that in failing to prevent the “toxic contamination of Indigenous people’s traditional lands,” the government had violated their rights; among other things, the committee recommended that the government “make full reparation to the victims.”

The EPP has threatened, kidnapped, and extorted ranchers in northeastern areas.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women and children continue to suffer from high levels of gender-based violence (GBV) and sexual abuse. Authorities recorded 35 femicides in 2021. Abortion, same-sex marriage, and civil unions remain illegal. LGBT+ people, and especially transgender women, report feeling increasingly unsafe amid the country’s conservative shift.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Approximately 26.9 percent of the population lived in poverty in 2020, with 3.9 percent living in extreme poverty. Some estimates suggest the country’s poverty rate reached 30 percent in 2021. Indigenous populations are particularly affected. Inequality in income and land ownership is extremely high and social mobility very limited. Employees are often unprotected from employer retaliation. Reports of forced labor and slavery periodically surface.

The ongoing illegal practice of *criadazgo*—temporary adoption whereby children, generally from poor families, work without pay for wealthier ones—severely limits the freedom of some 47,000 children across the country.

Peru

Population: 32,800,000

Capital: Lima

Freedom Status: Partly Free

Electoral Democracy: Yes

Status Change: Peru’s status improved from Partly Free to Free because the successful election of a new president and Congress served to ease, at least temporarily, a pattern of institutional clashes between the executive and legislative branches that had disrupted governance for a number of years.

Overview: Peru has established democratic political institutions and undergone multiple peaceful transfers of power. However, high-profile corruption scandals have eroded public trust in government, while bitter divides within a highly fragmented political class have repeatedly produced political turmoil. Indigenous groups suffer from discrimination and inadequate political representation.

KEY DEVELOPMENTS IN 2021

- Pedro Castillo of the leftist Peru Libre party was elected president in June, narrowly defeating right-wing candidate Keiko Fujimori in a runoff with 50.13 percent of the vote. The official election results were not released until July, due to allegations of electoral fraud made by Fujimori; the National Board of Elections
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(JNE) ultimately dismissed Fujimori's claims, and the election was deemed free and fair by both local and international election monitors.

- A new Congress was elected in April polls that international observers reported to be competitive and peaceful. Though no party won a majority of seats, Castillo's Peru Libre became the largest party in the legislature, taking 37 seats, followed by Fujimori's previously dominant, right-wing Fuerza Popular (FP) party, which took 24.

POLITICAL RIGHTS: 30 / 40 (+1)

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is chief of state and head of government. Presidents are directly elected to a five-year term and may serve nonconsecutive terms. Prior to 2021, the last president to be seated through a national election was Pedro Pablo Kuczynski. In 2016, Kuczynski won by a historically small margin of 0.2 percent over Keiko Fujimori. The elections took place peacefully, and stakeholders accepted the close result.

Kuczynski resigned in March 2018 as lawmakers prepared to hold an impeachment vote against him over corruption allegations. Vice President Martín Vizcarra was quickly sworn in to replace him, in accordance with legal procedures. Vizcarra repeatedly clashed with legislators, and used his authority to dissolve Congress in September 2019 following a vote of no confidence in his government. Vizcarra was ousted in November 2020 after congressional opponents invoked the constitution's controversial "moral incapacity" clause; many outside observers characterized the removal as an abuse of a vague constitutional clause.

Vizcarra was replaced by Manuel Merino, from the center-right Acción Popular party, who selected a conservative cabinet and signaled an aggressive policy agenda. An initial wave of protests in Lima were met with violent police repression, which provoked even larger protests across the country. After less than a week and the resignation of several cabinet members, Merino was forced to resign.

After Merino's resignation, Francisco Sagasti, who had been elected as president of Congress just days earlier, acceded to the presidency with a mandate of seeking unity and shepherding the country to general elections in April 2021.

Elections were held as planned in April 2021, followed by a second-round vote in June. The preliminary results of the runoff showed Pedro Castillo of the leftist Peru Libre party winning 50.13 percent of the vote, defeating Keiko Fujimori, who received 49.87 percent of the vote. The election, which saw a voter turnout of over 70 percent, was deemed free and fair by both local and international election monitors. However, Fujimori challenged the initial results, accusing Castillo of vote tampering, prompting electoral authorities to delay releasing the official results of the election. The JNE ultimately dismissed Fujimori's claims of electoral fraud, and officially declared Castillo's victory in July.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 130-member unicameral Congress are elected for five-year terms; reelection is not permitted. Congressional balloting employs an open-list, region-based system of proportional representation, with a 5 percent vote hurdle for a party to enter the legislature.

Ten parties entered Congress following the 2021 general elections, which were deemed competitive and peaceful by international observers. Castillo's Peru Libre won 37 seats,

becoming the largest party represented in Congress, followed by Keiko Fujimori's previously dominant, right-wing FP party, which took 24. No party won a majority of seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The JNE has taken steps to improve transparency surrounding the electoral process, but insufficiently regulated campaign financing remains a serious issue. International observers praised the conduct of the JNE and the National Office of Electoral Processes (ONPE) during the 2021 elections, reporting that both bodies had operated efficiently and transparently.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Peruvian parties, while competitive, are both highly fragmented and extremely personalized. Though there are limits on individual donations, there are no constraints on spending by political parties, offering an outsized advantage to parties able to secure abundant funds.

Since the party system collapsed during Alberto Fujimori's authoritarian regime in the 1990s, the political system in Peru has been described by academic observers as a "democracy without parties." Traditional political parties have been replaced by fragile and opportunistic political organizations that often have a very short life and little dedication to democratic practices.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition political parties have a realistic chance of winning power through elections, and the outcomes of elections at both the national and regional levels are subject to effective competition. Fragmentation, rather than lack of political opportunities, is the biggest obstacle faced by political actors attempting to gain and exercise power.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

While voters and candidates are generally able to exercise their political choices without undue influence, businesses regularly seek to bribe or otherwise influence political candidates' positions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The concerns of members of ethnic and cultural minority groups, especially in remote mountain and Amazonian areas, remain inadequately addressed in politics. The 2011 Law of Prior Consultation attempted to improve the participation of Indigenous groups by guaranteeing consultation before mining and other development projects are undertaken. However, Indigenous groups have criticized the law, as the process gives Indigenous representatives no veto power, and there are ambiguities as to what qualifies a community as Indigenous.

While the political participation of women has increased over recent years, women hold few leadership roles in local and regional governments. In June 2020, Congress passed a law requiring moves toward full gender parity on party lists. After the 2021 elections, women make up 40 percent of the legislature, with 52 women holding seats in Congress.

Peru's first openly LGBT+ congressperson, Susel Paredes, was elected in 2021.

C. FUNCTIONING OF GOVERNMENT: 7 / 12 (+1)**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4 (+1)**

Elected leaders and representatives are the key agents in creating and implementing policy. However, businesses and special interest groups influence officials through bribes and other illicit payments. Several former presidents and longtime opposition leader Keiko Fujimori have all been accused of accepting illegal funds.

Interparty battles, frequently conducted on behalf of party leaders with private stakes in public policy, have disrupted normal government functions in recent years. During his time in office, President Vizcarra constantly battled with Congress over his political and legislative agenda, especially regarding anticorruption reforms. Congress ultimately voted to remove Vizcarra in November 2020, a decision that was roundly rejected by the Peruvian public.

Though clashes between the executive and legislative branches remain common, large-scale interparty conflict, such as that which led to the removal of Vizcarra, mostly subsided in 2021. However, tension between the two branches was present throughout the year, largely due to Castillo's cabinet picks, including his controversial appointment of Guido Bellido as prime minister in July. Tensions eased somewhat in October, when Bellido, who was under criminal investigation for "defending terrorism" at the time of his appointment, resigned and was replaced by the more moderate Mirtha Vasquez. In both August and November, the opposition-led Congress narrowly passed a vote of confidence in Castillo's cabinet, allowing the executive to continue to function and preventing ongoing interbranch clashes from escalating to a constitutional crisis. The stability of the government was again threatened in October, when Keiko Fujimori introduced impeachment proceedings against Castillo; however, further political turmoil was averted when Congress voted against impeachment in December.

Score Change: The score improved from 2 to 3 because interparty conflicts have not interfered in the functioning of government to the degree they have in past years.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Government corruption remains a critical problem in Peru, though law enforcement authorities frequently investigate and prosecute corruption allegations. Recent years have seen scandals involving allegations of illicit deals between the Brazilian firm Odebrecht and a number of the country's most senior political figures.

In a 2018 referendum, three anticorruption reforms introduced by President Vizcarra—including a ban on consecutive reelection for lawmakers, limits on campaign contributions, and an overhaul of the judicial appointment process—were approved by more than 85 percent of voters. However, Vizcarra's ouster followed allegations that he had received bribes for public works contracts while governor of Moquegua in 2014. Vizcarra's proposal to end parliamentary immunity for criminal prosecution was a key point of tension between the president and Congress; 68 of the 130 lawmakers elected in 2020 were subject to open criminal investigations as of November of that year.

Since taking office in July 2021, President Castillo has been the subject of several corruption allegations. Though Castillo has repeatedly denied the accusations, critics have questioned his commitment to fighting corruption, citing his ties to Vladimir Cerrón, the president of the Peru Libre party, who at the time of Castillo's election was serving a four-year suspended prison sentence for corruption. While Castillo has distanced himself from Cerrón since becoming president, several more of the president's associates were placed

under investigation by Peru's Anticorruption Prosecutor's Office during the year; the investigations remained ongoing at year's end.

C3. Does the government operate with openness and transparency? 2 / 4

Some government agencies have made progress on transparency, but much information related to defense and security policies remains classified under a 2012 law.

CIVIL LIBERTIES: 42 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Peru's dynamic press is mostly privately owned, and ownership is highly concentrated. Defamation is criminalized, and journalists are regularly convicted under such charges, though their sentences are usually suspended. In September 2020, criminal proceedings began for investigative journalist Paola Ugaz, who had written a book about alleged physical and psychological abuse within the Sodalitium Christianae Vitae, a Catholic organization. The criminal case against Ugaz remained ongoing at the end of 2021.

During the November 2020 political crisis, multiple press freedom watchdogs denounced an attempt by Manuel Merino's short-lived government to curtail the ability of state-run media outlets to cover protests against his administration. Journalists also protested dozens of acts of violence, mainly perpetrated by police, against reporters covering the protests. While murders of journalists have declined in recent years, numerous incidents of intimidation and assault are registered each year.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The Peruvian constitution guarantees freedom of religion and belief, and these rights are generally respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is unrestricted.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to engage in private discussion without fear of retribution or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

The authorities generally recognize the constitutionally guaranteed right to peaceful assembly. Local disputes and protests—notably those related to extractive industries, land rights, and resource allocation among marginalized populations—at times result in instances of excessive use of force by security personnel. Efforts in recent years by the state ombudsman and the National Office of Dialogue and Sustainability (ONDS) have contributed to a reduction in protest-related violence during social conflicts.

In contrast to the antigovernment protests of November 2020—which were violently repressed by the police and included violence by protesters—protests were generally allowed to proceed peacefully in 2021. Demonstrations both in support of and against President Castillo were held throughout the year, including in August, when hundreds of people gathered

in Lima to protest against the appointment of Guido Bellido as prime minister. Numerous demonstrations were also held between September and November by activists protesting against the negative environmental and health impacts of the mining sector on communities in Peru's "mining corridor."

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Freedom of association is generally respected. However, efforts by environmental activists to discourage land development have been met with intimidation.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Peruvian law recognizes the right of workers to organize and bargain collectively. Strikes are legal with advance notification to the Ministry of Labor, but few strikers abide by this regulation. Lengthy processes involved in registering a new union create a window in which labor leaders and activists can be easily dismissed from their jobs. Short-term contracts in many industries make unionization difficult. Less than 10 percent of the formal workforce is unionized.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary has been perceived as one of the most corrupt institutions in the country. In 2018, Congress approved a reform leading to the creation of a new National Board of Justice (JNJ) in charge of selecting, evaluating, and disciplining judges. The establishment of the JNJ was widely praised by civil society organizations as well as academia.

Peru's seven-member Constitutional Court has maintained sufficient autonomy to serve as a check on the other branches, and the constant tension between Congress and the executive heightens the importance of both the Court's composition and its decisions. Indeed, observers pointed to the process of appointing six new justices as a key driver of interbranch tensions leading up to the November 2020 political crisis. However, in July 2021, a Peruvian court ordered the selection of new Constitutional Court members to be suspended due to alleged irregularities in the selection process. Despite the ruling, Congress announced that the selection process would go ahead as planned, prompting the Inter-American Commission on Human Rights (IACHR) to urge the legislature to abide by judicial rulings.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Constitutional guarantees of due process are unevenly upheld. Lawyers provided to indigent defendants are often poorly trained, and translation services are rarely provided for defendants who do not speak Spanish. Impunity for violence against environmental activists who challenge land development remains a problem.

In 2009, former authoritarian president Alberto Fujimori was sentenced to 25 years' imprisonment for human rights abuses committed while in office. Former president Kuczynski issued a controversial medical pardon in 2017, but in 2018 Peru's Supreme Court ordered him back to prison. Police officially returned him to prison in January 2019, where he remained throughout 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

While Peru's murder rate is lower than many of its regional peers, violent criminal organizations operate in the narcotics and illegal mining industries, and street crime is

rampant. A report published in 2021 by the National Statistics Institute (INEI) indicated that between November 2020 and April 2021, 18.6 percent of Peruvians aged 15 and over in urban areas were victimized by crime and 82.3 percent nationwide believed they would be victims of a crime.

Abuses committed by the security forces are rarely punished. In March 2020, Congress passed a law that international rights groups criticized as generating additional barriers to police accountability.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Discrimination against Indigenous populations and Afro-Peruvians is pervasive. LGBT+ people face discrimination, hostility, and violence. Indigenous Peruvians, who often live vast distances from under-resourced health services, were severely afflicted by COVID-19, while transgender Peruvians were subjected to police abuse during the lockdown.

After Colombia, Peru has received the highest number of migrants from Venezuela. While the country was initially welcoming, public opinion shifted against tolerance, and a 2019 report by the Ministry of the Interior found that more than half of the Venezuelans residing in Peru have felt or experienced discrimination. Disruptions associated with the COVID-19 pandemic posed additional problems for Venezuelan migrants, who were not eligible for key forms of state assistance. In January 2021, the government militarized the northern border with Ecuador in an attempt to prevent undocumented immigrants from entering the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Peru does not place formal restrictions on movement. Although the use of road blockages as a protest tactic continued in 2021, such actions have generally decreased in recent years, easing movement around the country. People are able to freely change their place of employment or education. While Peru's COVID-19 lockdown was one of the most stringent in Latin America and included significant restrictions on movement, there were fewer accusations of arbitrary or abusive enforcement than in many neighboring countries.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The rights to own property and establish business are mostly respected, though tensions persist between extractive industries and Indigenous communities who demand inclusion in land use policy decisions. The Prior Consultation Law is designed in part to better protect Indigenous rights. Its implementation has resulted in some positive outcomes for communities that have taken part in consultation processes—though prior consultation still does not always take place, nor are the requests of Indigenous groups binding.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence is widespread in Peru, with more than half of Peruvian women reporting instances of physical, sexual, or emotional abuse. More than 146 femicides were recorded in 2021.

Proposals to recognize civil unions for same-sex partners have been repeatedly introduced and rejected in Congress, and in November 2020 the Constitutional Court ruled

against recognition of a same-sex marriage performed in Mexico by a Peruvian citizen. Abortion is permitted only in instances where a woman's health is in danger.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The large share of Peruvians working in the informal sector leads to widespread economic precarity. Dependence on daily earnings—and the state's inefficiency in distributing aid—contributed to the depth of the COVID-19 pandemic in the country. Peruvian women and girls, especially from the Indigenous community, are vulnerable to sex trafficking. According to the US State Department's 2021 *Trafficking in Persons Report*, while the Peruvian government has not met the minimum standards for effectively combating trafficking, its antitrafficking efforts increased "significantly" in 2021. However, impunity for traffickers remains common.

Philippines

Population: 110,200,000

Capital: Manila

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Although the Philippines transitioned from authoritarian rule in 1986, the rule of law and application of justice are haphazard and heavily favor political and economic elites. Democratic institutions that provide oversight and accountability are either weak or undermined. Long-term violent insurgencies have continued for decades, though their threat to the state has diminished in recent years. Impunity remains the norm for violent crimes against activists and journalists, and President Rodrigo Duterte's war on drugs has led to thousands of extrajudicial killings since it began in 2016.

KEY DEVELOPMENTS IN 2021

- The Duterte administration assumed an increasingly hostile stance toward academics and universities that teach allegedly "subversive" materials. In January, authorities published the names of 27 University of the Philippines (UP) graduates, claiming they were members of the Communist Party and endangering them to be targeted with harassment, at the very least. Between September and November, an arm of the Duterte administration compelled at least four universities to remove and turn over all books about communism and "subversive" ideologies from their libraries.
 - In September, the Senate launched an investigation into the Duterte administration's purchase of 67 billion pesos (\$1.3 billion) worth of overpriced medical supplies and expired COVID-19 testing kits. Initially flagged for irregularities by the Commission on Audit in August, Duterte refused to cooperate with the investigation and prohibited his staff from attending an inquiry.
 - On one day in March, referred to as "Bloody Sunday," nine activists were killed and six were arrested in provinces just outside the capital region. Two days prior, President Duterte had publicly stated that the police and the military should eradicate and kill communists in the country.
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POLITICAL RIGHTS: 25 / 40**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The president is both head of state and head of government and is directly elected to a single six-year term. Rodrigo Duterte won the 2016 presidential election with 39 percent of the vote. While polling was marked by dozens of violent episodes, including a number of killings, there were fewer such incidents compared to previous election years. Vote buying was also reported.

The vice president is directly elected on a separate ticket and may serve up to two successive six-year terms. Maria Leonor Robredo won the closely contested vice presidency in 2016 with 35 percent of the vote.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 299 members of the House of Representatives serve three-year terms, with 241 elected in single-member constituencies and the remainder elected through party-list voting.

Midterm elections for both houses of Congress and local government offices were held in May 2019. Despite a ballot redesign that led to a substantial party-list undervote, along with reports of vote buying and some election-related violence, the polls were generally perceived as credible. Though no single party won an outright majority in either house, pro-Duterte parties, including the newly formed Alliance for Change (HNP), created by the president's daughter Sara Duterte, secured majority alliances in both houses. The opposition Liberal Party did not win a single seat in the Senate.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The president appoints the Commission on Elections (Comelec), whose performance was generally deemed competent in 2016, though they were criticized for technical glitches and procurement issues that occurred in the 2019 midterm elections. The Comelec performs both election management and adjudication functions. Frequent litigation complicates the interpretation of electoral laws and makes the already complex framework even less accessible to the public.

In March 2021, the Commission on Appointments confirmed Aimee Ferolino-Ampolquino as Comelec Commissioner. In November, Rey Bulay joined the Comelec, the sixth member of the seven-person panel appointed by Duterte. The majority of Duterte appointees are from his home region of Davao.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

The Philippines has a strong record of open competition among multiple parties, though candidates and political parties typically have weak ideological profiles. Legislative coalitions are exceptionally fluid, and politicians often change party affiliation, typically to join the dominant bloc or the incumbent president's party.

In the past three decades, political dynasties have become more prevalent and more powerful, and hold many provincial governorships and a significant number of seats in Congress.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The Philippines has seen regular rotations of power at the national level. However, in recent years opposition politicians have faced increasing harassment, and some have been arrested on charges denounced by the opposition and rights groups as politically motivated. An atmosphere of violence and a lack access to state resources for those not in power hinder the opposition's ability to challenge incumbents. Campaign finance rules, which make elections very costly, impede the ability of grassroots movements to mobilize, participate in, and win elections.

In February 2020, former senator Antonio Trillanes and others were indicted on charges of sedition as part of an alleged plot to oust Duterte. Senator Leila de Lima, one of the most outspoken critics of Duterte's war on drugs, remained in pretrial detention throughout her term. De Lima was arrested in 2017 on charges of accepting money from drug dealers and is recognized as a prisoner of conscience by international rights groups. In July 2021, she announced that she would seek reelection while in detention.

In 2021, the Duterte government intensified its campaign against the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Senior government officials openly "red-tagged" (the tactic of alleging that an individual harbors communist, and thus terrorist sympathies or connections, resulting in stigmatization and increased risk of physical attack) members of the House of Representatives. The accused representatives subsequently received death threats.

The government labeled Makabayan bloc in November 2020 and the Kabataan Party-list in June 2021 as "legal fronts" for the Communist Party of the Philippines. The Office of the Solicitor General requested the disqualification of the Kabataan Party-list and the Gabriela Women's Party, which advocates for women's rights, from the 2022 elections, which had not occurred as of December 2021.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Distribution of power is heavily affected by patronage and kinship networks. In the past 30 years, political dynasties have expanded, and analysts believe they will continue to increase in number and scope. Groups competing for party-list seats are frequently dominated by a few political families, and recent elections have increased the concentration of power into those families' hands. Election-related funding also contributes to the concentration of power: there are no limits on campaign contributions, and a significant portion of political donations come from a relatively small number of donors.

Social media platforms, especially Facebook, have been weaponized and exploited by Duterte and his supporters. In October 2020, Facebook removed hundreds of accounts for violating its policy against "coordinated inauthentic behavior on behalf of a foreign or government entity." One network originated in China, while another, which was linked to the Philippine police and military, criticized activists and the political opposition. Without challenging the findings, Duterte issued vague threats regarding Facebook's operations in the country.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

No laws limit the participation of specific groups in the political process, and the constitution guarantees equal access to opportunities for public service. However, the dominance of political dynasties is an obstacle to the exercise of political rights for some groups. While women make up about 28 percent of the legislature, political life is dominated by men and few women are elected to positions in the national legislature from outside of the few politically powerful families. Muslims and Indigenous groups are not well represented. Perceptions of relative socioeconomic deprivation and political disenfranchisement, along with resentment toward Christian settlements in traditionally Muslim areas, have played a central role in the Philippines' Muslim separatist movements.

In 2013, the Supreme Court ruled that the party-list portion of the ballot for the House of Representatives, meant to ensure representation for marginalized or underrepresented groups, could also be open to national political parties, if they did not stand in the single-member constituency contests. In 2019, several party-list groups gained seats not by representing the sectors or interests as intended, but through substantial support from kinship networks in single geographic regions and through links with the Duterte administration.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

While elected government officials and legislative representatives determine state policies, the president dominates policymaking due to a political system that grants significant powers to the executive branch. A few dozen families continue to hold a disproportionate share of political authority. Several of Duterte's children hold elected office and exert increasing influence.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Government corruption and impunity remain serious problems. The courts and other anticorruption institutions have failed to hold powerful politicians and their associates to account. President Duterte has fired numerous officials due to corruption, but his anticorruption drive has ultimately led to few convictions. Officials involved in corrupt activities are often reappointed to other offices.

The official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Corruption Commission (PACC), have mixed records. The PACC lacks enforcement capabilities and has been led by known Duterte allies. The Ombudsman, tasked with investigating and filing complaints against government workers and officials, is poorly resourced. It has focused on major cases against senior government officials and those involving large sums of money, some of which languish for years in the Sandiganbayan (anticorruption court). Currently headed by a Duterte appointee, the Ombudsman's performance has received criticism for the significant decrease in the number of cases filed since 2018.

The government's response to the COVID-19 pandemic has been dogged by allegations of incompetence, negligence, and corruption at the national and local levels. In April 2020, senators called for the secretary of health's resignation for perceived deficiencies in addressing the pandemic; investigations in 2020 and 2021 into the Department of Health (DOH) found procurement anomalies and other problems. Also in 2020, an anticorruption task force exposed numerous instances of fraud, overpriced supplies, and other misdeeds within the Philippine Health Insurance Corporation, leading to charges against high-level government officers. In June 2021, these charges were dismissed by the Office of the Ombudsman. In September, the Senate launched an investigation into the Duterte administration's purchase of 67 billion pesos (\$1.4 billion) worth of overpriced medical supplies and

expired COVID-19 testing kits. Initially flagged for irregularities by the Commission on Audit in August, Duterte refused to cooperate with the investigation and prohibited his staff from attending an inquiry.

C3. Does the government operate with openness and transparency? 2 / 4

Government transparency remains limited despite some positive initiatives. Local governments have been required to post procurement and budget data on their websites, and the national government has instituted participatory budgeting at various levels. The country's first freedom of information directive was issued by Duterte in 2016, but it mandates public disclosure only in the executive branch and allows major exemptions.

The DOH has failed to publish details regarding the purchase of COVID-19 vaccines, including for large quantities of the Chinese government's Sinovac vaccine. The Senate's investigations into fraud allegations in the DOH have not obtained this information, due to various confidentiality and nondisclosure agreements.

Duterte has refused to release a filing known as a statement of assets and liabilities and net worth (SALN); all previous presidents made the disclosure, pursuant to a 1989 law. The Ombudsman has restricted public access to elected congressmembers and government officials' SALNs, asserting they were being "weaponized." The office announced they were no longer conducting "lifestyle checks" that investigate officials' apparent unexplained wealth.

CIVIL LIBERTIES: 30 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (-1)

D1. Are there free and independent media? 1 / 4

The constitution provides for freedoms of expression and the press, and private media are vibrant and outspoken. However, the Philippines remains one of the most dangerous places in the world for journalists, and the president's hostile rhetoric toward members of the media exacerbates an already perilous situation. The Philippine Center for Investigative Journalism has found that attacks and threats on the media have continued relentlessly throughout the Duterte administration, and state agencies have made no serious efforts to investigate serious incidents or otherwise address the problem. Journalists experience physical attacks; threats, including death threats and bomb threats; smear campaigns claiming they conspire against the government; red-tagging; and distributed denial-of-service (DDoS) attacks.

According to the Committee to Protect Journalists (CPJ), 11 journalists have been killed in the Philippines in connection with their work since 2016. In July 2021, a radio journalist was shot by an unidentified gunman; and in December, a newspaper reporter was shot by unknown assailants. The vast majority of violent attacks remain unpunished. In December 2019, however, a trial court found dozens of defendants guilty for the brutal massacre of 58 people, including 32 journalists, in Maguindanao in 2009. Datu Andal Ampatuan, Jr., the most prominent defendant, was sentenced to life in prison.

Other obstacles to press freedom include Executive Order 608, which established a National Security Clearance System to protect classified information, and the Human Security Act, which allows journalists to be wiretapped based on suspicion of involvement in terrorism. Libel is a criminal offense, and libel cases have been used frequently to quiet criticism of public officials.

In June 2020, Maria Ressa, winner of the 2021 Nobel Peace Prize, and Reynaldo Santos Jr. were found guilty of cyberlibel and sentenced to six years in prison. In August 2021, a Manila court dismissed a libel case against the online news site Rappler, Ressa, and other codefendants; another libel case had been dismissed a couple of months earlier. A new case was filed against Rappler and six other organizations in December by Duterte's secretary of

energy. Rappler, which has criticized Duterte's war on drugs, had its corporate registration revoked by government regulators in 2018 for violating the prohibition on foreign ownership and control of Philippine media outlets. Rappler reporters were accused by Duterte of being part of a "fake news outlet," and banned from government events and from conducting interviews with state officials.

In 2020, ABS-CBN, the oldest and largest media network in the country, shut down its broadcast operations following the expiration of its operating license. Duterte had accused the network of bias against him and openly threatened to close it down since the 2016 campaign. The shutdown was condemned by numerous press freedom and human rights advocacy groups. In July 2021, ABS-CBN published online a list of the 70 lawmakers who voted to end the media franchise.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed under the constitution and generally respected in practice. Under the Duterte administration, priests critical of the drug war have been killed and threatened. During the COVID-19 lockdown between July and August 2021, churches were not allowed to hold public religious services, though Duterte and his supporters held political rallies.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4 (-1)

Academic freedom at the country's many public and private schools is generally respected, though the government has increasingly taken on a hostile stance toward academic independence, particularly the teaching of communist texts. In January 2021, the Armed Forces of the Philippines (AFP) Civil-Military Relations Office published the names of 27 University of the Philippines (UP) graduates, claiming they were members of the Communist Party. The release of the graduates' names endangered the individuals to be targeted with harassment, at the very least. In the same month, the 1989 accord between UP and the Department of National Defense (DND) was terminated, enabling police and military forces to enter public universities and arrest participants of antigovernment protests en masse.

Between September and November 2021, the National Task force to End Local Communist Armed Conflict and the National Intelligence Coordinating Agency (NICA), arms of the Duterte administration, compelled at least four universities to remove and turn over all books about communism and "subversive" ideologies from their libraries. Authorities closed 55 Indigenous primary schools in the Davao region in 2019 following allegations that the schools were teaching leftist ideology.

Security forces have increasingly monitored Islamic schools and schools attended by Indigenous peoples in areas of the southern Philippines where the military conducts counterinsurgency and antiterror missions. In October 2020, the military's top general stated that the armed forces would monitor the estimated 500 Islamic schools in the country as possible recruitment sites for militants, sparking criticism by Muslim religious leaders. A January 2020 proposal by the police chief of Manila to compile lists of all Muslim students in high schools and universities in the city was rescinded following condemnation by citizens and rights groups.

Score Change: The score declined from 4 to 3 because the government terminated limits on military and police operations at the University of the Philippines, red-tagged graduates of the university, and pushed several universities to purge their libraries of books associated with communist ideology.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Social media use is very widespread in the Philippines, but rights groups have expressed concern about threats against and censorship of online criticism and the criminalization of allegedly libelous social media posts. Arrests increased following the March 2020 enactment of an emergency law, Bayanihan to Heal as One Act, which used overly broad language to criminalize the posting of fake news. Within weeks, investigators summoned over a dozen people for their social media posts. A human rights lawyer who had described the arrests as having a chilling effect was publicly attacked and insulted by Duterte, and multiple people who posted criticism or satirical posts about Duterte and the government were charged with crimes, including cyberlibel.

In April 2021, community pantries, set up to alleviate the rise in food scarcity and economic hardship brought on by the coronavirus pandemic, became targets of red-tagging. Organizers of the initiatives were accused on social media by pro-Duterte groups of being fronts for the communist movement and staging the pantries to recruit members. Several organizers feared that this red-tagging would result in harassment from law enforcement and others.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12**E1. Is there freedom of assembly? 2 / 4**

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and police sometimes use violence to disperse antigovernment protests.

Complaints of insufficient government aid amid the strict COVID-19 lockdown spurred protests that led to dozens of detentions and arrests in 2020. In addition, arrests occurred amid protests led by progressive organizations against the Anti-Terrorism Act signed into law in July 2020; protesters were charged with violating both pandemic-related restrictions and public assembly laws. While those demonstrators were charged for violating restrictions, in 2021, members of Duterte's party held mass political gatherings ahead of the 2022 elections, despite lockdown restrictions.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Civil society has historically been robust in the Philippines, which hosts a range of active human rights, social welfare, environmental, and other groups. However, assassinations of civil society activists and human rights defenders continue; nongovernmental organizations (NGOs) and activists experience harassment and arrest; and President Duterte's public threats against those who oppose his policies have exacerbated an already dangerous atmosphere of impunity.

In August 2021, Rex Fernandez, a human rights lawyer, was shot and killed by a gunman in Cebu. Fernandez was the third lawyer killed in Cebu in 2021. During the Duterte presidency, 66 lawyers have been killed and many have been harassed. On one day in March 2021, referred to as "Bloody Sunday," nine activists were killed and six were arrested in provinces just outside the capital region. Two days prior, President Duterte had publicly stated that the police and the military should eradicate and kill communists in the country.

In July 2020, the government's Commission on Human Rights (CHR) published a report denouncing Duterte's "systematic attack" on human rights defenders; at least 134 human rights defenders had been killed under the Duterte administration. The report asserted that the impunity for such killings was connected to frequent presidential pronouncements dismissing human rights and stigmatizing human rights defenders as drug suspects and communists.

In April 2021, lawmakers from the opposition proposed a bill to criminalize red-tagging. The Department of Justice (DOJ) supported the initiative, even as the proposed 2022 government budget increased funds for agencies that frequently use red-tagging as a tactic.

In a June 2020 report, the Office of the UN High Commissioner on Human Rights (OHCHR) noted that police and military intimidation tactics targeting activists continued during the coronavirus lockdowns.

According to Sweden-based Qurium Media, the human rights group Karapatan's website experienced a series of DDoS cyberattacks between July and August 2021. The attacks were proxied using bots that originated from outside the Philippines. Karapatan's Secretary General Cristina Palabay claimed they were intended to prevent the public from accessing reports on the worsening state of human rights in the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions are independent, though less than 10 percent of the labor force is unionized. Collective bargaining is common among unionized workers, however, and strikes may be called as long as unions provide notice and obtain majority approval from their members.

Trade union members and labor and professional groups continue to be targets of red-tagging, stigmatization, and violence, and membership has declined in recent years. Leaders of such groups have been targeted amid a broader increase in extrajudicial killings that has taken place in the Philippines over the past decade. In March 2021, a labor leader was shot dead in Calamba, Laguna, three weeks after nine people were killed by police in various raids targeting political activists.

F. RULE OF LAW: 3 / 16

F1. Is there an independent judiciary? 1 / 4

Judicial independence has deteriorated during the Duterte administration. Chief Justice of the Supreme Court Maria Lourdes Sereno, a harsh critic of the president, was ousted in 2018 for allegedly failing to disclose all her assets. The decision was sharply criticized by the opposition as a brazen, politically motivated attack on the independence of the judiciary. In December 2020, an impeachment complaint was filed Edwin Cordevilla, secretary general of the Filipino League of Advocates for Good Government, against another Supreme Court justice, Marvic Leonen, who is generally perceived as a human rights advocate. In September 2021, the impeachment case against Leonen was dismissed by the House of Representatives.

Judicial independence is also hampered by inefficiency, low pay, intimidation, corruption, and high vacancy rates. Since 2016, nine retired or former judges and justices and 14 former and current city prosecutors have been killed.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The justice system fails to guarantee due process rights. Arbitrary detention, disappearances, kidnappings, and abuse of suspects are common. The OHCHR catalogued numerous due process violations linked to Duterte's war on drugs, including the use of watch lists compiled by local officials that identify targets for home "visitations" that do not require warrants and often lead to extrajudicial execution.

The police and military have been implicated in corruption, extortion, and involvement in the illegal drug trade.

The Anti-Terrorism Act that took effect in July 2020 provides the state significant powers, including the warrantless arrest and detention of people designated as terrorists by an Anti-Terrorism Council appointed by the president. Rights advocates sharply criticized the law's broad definition of terrorism as endangering dissent and free speech and stated

that limits incorporated into the law were too vague to offer effective protection. At least 37 petitions challenging the law's constitutionality have been filed in the Supreme Court. In December 2021, the Supreme Court upheld the constitutionality of the Anti-Terrorism Act.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The Philippines has been afflicted by long-running insurgencies, and more recently, violent extremism in Mindanao. Since his election in 2016, Duterte has waged a violent war on drugs that has led to widespread extrajudicial killings. A 2020 OHCHR report on human rights in the Philippines stated that the government's focus on countering terrorism and the drug war has resulted in numerous systematic human rights violations, including extrajudicial killings, arbitrary detention, torture of detainees, persistent impunity, and the vilification of dissent. A lack of effective witness protection has been a key obstacle to investigations against members of the security forces.

Authorities stated in July 2019 that 5,526 people had been killed in Duterte's antidrug campaign. However, human rights groups put the number of related deaths between 2017 and 2019 at as many as 27,000, according to the most recently available statistics. The victims include civilians and children who were deliberately targeted. Convictions for extrajudicial killings and other such crimes are rare, and Duterte has appeared to encourage such violence.

In September 2021, a prosecutor of the International Criminal Court (ICC) opened an investigation into the Duterte government's war on drugs to determine whether the campaign of state-sponsored violence constitutes crimes against humanity. In November, the ICC suspended its investigation after the Philippine government requested a deferral.

Conflict in Mindanao has caused severe hardship, more than 120,000 deaths, and the displacement of tens of thousands of people since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses.

In September 2021, elections to the legislature for the self-governing Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)—created through a 2014 government peace treaty with the Moro Islamic Liberation Front (MILF)—were postponed until 2025 by the Senate. In 2019, the Bangsamoro Transition Authority (BTA) was constituted as the governing body until elections, which were scheduled for 2022. However, militant groups that broke away from the MILF continue to carry out attacks.

In 2018, President Duterte ended peace talks with the Communist Party of the Philippines–New People's Army–National Democratic Front of the Philippines (CPP-NPA–NDFP), dashing hopes that the 50-year violent insurgency could reach a peaceful end during his administration. Deadly clashes between the NPA and the Philippine military continue to occur throughout the country. Pursuant to the Anti-Terrorism Act of 2020, the Anti-Terrorism Council designated the CPP-NPA as terrorist groups that December, allowing the Anti-Money Laundering Council to search for and freeze their assets.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Provisions mandating equal treatment are upheld inconsistently, and some groups lack legal protection. LGBT+ people face bias in employment, education, and other services, as well as societal discrimination. An antidiscrimination bill that passed the lower house in 2017 has not advanced further, though several cities, including Manila in October 2020, have passed ordinances recognizing LGBT+ rights and prohibiting acts of discrimination. In the absence of national legislation, birth identification documents cannot be altered.

In September 2020, Duterte pardoned a US soldier convicted of killing a Filipino transgender woman in 2014, an act the CHR described as “an affront” to LGBT+ Filipinos. During Manila’s pride march in June 2020, 20 LGBT+ people were arrested for violations of public health and public assembly laws. Several LGBT+ people were subjected to humiliating treatment after being arrested in April of that year for violating the COVID-19 curfew.

According to the World Economic Forum, the Philippines features one of the smallest measured gender gaps in the world; women’s educational attainment outpaces men’s, and women are well represented in professional roles. Women still face some credit constraints and employment discrimination, and the political realm remains dominated by men, with women occupying only 23 percent of national and local elective positions.

Indigenous rights are generally upheld, but land disputes and local development projects regularly cause friction and sometimes lead to violence. Indigenous people often live in conflict areas and are targeted by combatants for their perceived loyalties.

The law mandates that at least 1 percent of public jobs be reserved for people with disabilities, but this is poorly upheld.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens enjoy freedom of travel and choice of residence, except for in areas affected by violent conflict. Although martial law in Mindanao ended at the start of 2020, the military continued its counterterrorism measures, which included checkpoints and a curfew.

Lockdowns in both 2020 and 2021 to combat the spread of COVID-19 led to the establishment of several hundred checkpoints manned by security forces to limit intercity travel, with additional localized entry and exit restrictions in villages.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Private business activity is often dependent on the support of local power brokers in the complex patronage system that extends throughout the country. Outside of conflict zones, individuals are generally able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors, notwithstanding the domination and corruption of economic dynasties.

The 2020 coronavirus-related emergency law empowered the president to direct the operations of privately-owned businesses, including medical facilities and businesses in the transportation and hospitality sectors required for quarantine and temporary housing.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Most individuals enjoy personal social freedoms. However, divorce is illegal in the Philippines, though annulments are allowed under specified circumstances, and Muslims may divorce via Sharia (Islamic law) courts. In 2019, the Supreme Court denied a petition to recognize same-sex marriages, with a petition to reconsider denied in January 2020. Domestic violence is a significant problem, and while spousal rape is a crime, very few cases are prosecuted. Police data showed an increase in reported domestic violence against women and children during the COVID-19 lockdowns. Abortion is illegal in nearly all circumstances, though unregulated abortions are frequent. In December 2021, the Senate passed the Expanded Solo Parents Welfare Act of 2020, which extends the benefits and subsidies given to married parents to single parents.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The Philippines is a source country for human trafficking, with some Filipinos taken abroad and forced to work in the fishing, shipping, construction, or other industries, or forced to engage in sex work. The country's various insurgent groups have been accused of using child soldiers.

The legal minimum wage in the agricultural sector in some regions falls far short of what is necessary for a family to avoid poverty. Violation of minimum-wage standards is fairly common. There is a wide gap between the salaries of top executives and their employees.

Children have been reported working as domestic laborers. There is a shortage of labor inspectors; authorities have acknowledged the problem but say they have limited funds to address it. The Philippines is a global center of online child sexual abuse, and reports indicated an increase of such abuse during the COVID-19 lockdowns.

Poland

Population: 38,200,000

Capital: Warsaw

Freedom Status: Free

Electoral Democracy: Yes

Overview: Poland's democratic institutions took root at the start of its transition from communist rule in 1989. Rapid economic growth and other societal changes have benefited some segments of the population more than others, contributing to a deep divide between liberal, pro-European parties and those purporting to defend national interests and "traditional" Polish Catholic values. Since taking power in late 2015, a coalition led by the populist, socially conservative Law and Justice (PiS) party has enacted numerous measures that have increased political influence over state institutions and damaged Poland's democratic progress. Recent years have seen an increase in nationalist and discriminatory rhetoric.

KEY DEVELOPMENTS IN 2021

- In January, a near-total ban on abortion in Poland took effect, as a result of an October 2020 ruling of the Constitutional Tribunal (TK) declaring that terminations in cases of congenital disorder of the fetus were unconstitutional. Such cases previously represented around 98 percent of legal procedures in the country.
 - In July, the European Court of Justice (ECJ) ordered the immediate suspension of Poland's Disciplinary Chamber of the Supreme Court, citing concerns about the potential for political interference by both the legislature and executive in its functioning. In October, the ECJ imposed a daily fine of one million euros until Poland fully complies with the suspension.
 - In October, the TK ruled that parts of European Union (EU) law are incompatible with Poland's constitution, and that national law must take precedence. The European Commission responded in December, launching an infringement procedure against Poland for alleged violation of EU law.
 - In August, a political and humanitarian crisis began along the Poland-Belarus border, after Belarusian authorities had coaxed migrants to the Belarusian border and stranded them there, and many then attempted to enter Poland. In response, the Polish government declared a state of emergency in two border provinces in
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September, and in October, authorized border guards to forcibly expel migrants, in violation of international law.

POLITICAL RIGHTS: 34 / 40**A. ELECTORAL PROCESS: 10 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The president of Poland is directly elected for up to two five-year terms. The president's appointment of a prime minister must be confirmed by the Sejm, the lower house of the parliament. While the prime minister holds most executive power, the president also has some influence, particularly over defense and foreign policy matters.

Andrzej Duda, the candidate of the national-conservative PiS party, was reelected in July 2020 in the second round of Poland's presidential election with 51 percent of the vote. Voter turnout was 68.1 percent, the second highest since 1989.

The election was originally scheduled for May 2020. In April, amid political conflict over whether to hold voting during the COVID-19 pandemic, the government drafted plans to hold the vote as scheduled in May, but with mail-in ballots, transferring the election's administration to the post office instead of the constitutionally legitimate National Electoral Commission (PKW). Ultimately, the government backtracked on these plans, and a new election was called in June, with a runoff a month later.

Observers noted that the government had failed to meet its constitutional obligations by abandoning the May vote without any formal procedure, and in September 2020, an administrative court ruled that the prime minister had broken the law in attempting to transfer the election administration to the post office. In May 2021, the country's Supreme Audit Office (NIK) blamed high-ranking officials for seeking to organize the mail-in vote without a legal basis and at a cost of almost \$20 million to taxpayers. The government has repeatedly defended the legality of its actions.

Election observers from the Organization for Security and Co-operation in Europe (OSCE) concluded that the 2020 election was competitive and well-organized, but tarnished by "hostility" and "biased coverage by the public broadcaster," which PiS had effectively transformed into a government mouthpiece. The OSCE mission noted the insufficiency of regulations governing public officials' campaign activities, with the incumbent receiving an "undue advantage" from campaigning by high-ranking officials, including the prime minister. Further, the OSCE observers raised concerns over the persistent use of homophobic rhetoric by President Duda, his team, and PiS media allies.

The current prime minister, Mateusz Morawiecki, was appointed in 2017 with the approval of the PiS majority in the parliament. His mandate was bolstered by PiS's victory in the 2019 legislative elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the bicameral parliament are elected for four-year terms. The 460-seat Sejm, the lower house, is elected by proportional representation and holds most legislative authority. The 100 members of the Senate, the upper house, are elected in single-member constituencies. The Senate can delay and amend legislation, but has few other powers.

In the October 2019 parliamentary elections, PiS won a second term with 43.6 percent of the vote, retaining its 235 seats in the Sejm. This majority initially allowed PiS to continue governing without formal coalition partners, though two smaller parties, United Poland and Agreement, were included within its electoral lists and parliamentary caucus. In

August 2021, Jarosław Gowin, the leader of Agreement, left the ruling camp with a number of lawmakers. The coalition continued to pass legislation throughout 2021 by making deals with smaller parties and individual members of parliament.

The Civic Platform (PO) party finished second in 2019, with 134 seats. Four other parties or coalitions passed the threshold to enter parliament, including left-wing and far-right parties that had been absent during the previous term. PiS, however, narrowly lost control of the Senate in 2019, where an opposition coalition took 51 of 100 seats; PiS took 48.

An OSCE mission concluded that the 2019 elections were generally conducted in a “professional and transparent” manner. However, they expressed concern that recent judicial reforms had left a “lack of trust in prosecutors and courts to handle election-related complaints independently.” They also noted that “nationalist and homophobic rhetoric gave rise to a sense of threat,” which they echoed in their report on the 2020 presidential election.

In December 2021, a research team at the University of Toronto reported that a mobile phone belonging to a Polish opposition politician had been hacked with Pegasus spyware in the period leading up to the 2019 parliamentary elections. At the time, the MP was the head of the election campaign team for PO. Text messages stolen from his phone were used in negative reports about him on PiS-controlled public TV news during the campaign. Phones of an opposition-linked lawyer and a prosecutor critical of the government’s judicial reforms were also hacked. Though opposition figures blamed the PiS for the incident, the government denied using surveillance for political purposes.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Poland’s electoral framework and its implementation have generally ensured free and fair elections, though legal changes introduced in 2017–18 have increased the potential for political influence over the PKW, which manages elections and oversees party finances, including the power to withhold state subsidies. Previously, all nine members of the PKW were nominated by courts. From the beginning of the new parliamentary term in December 2019, seven members are now chosen by the parliament. As the largest parliamentary grouping, PiS was allowed to nominate a maximum of three members but could also exert influence over the member picked by the Constitutional Tribunal (TK), which is currently led by PiS-installed judges. The new commission was formally approved by President Duda in January 2020.

One of the judicial reforms that came into force in 2018 gave the newly created chamber of the Supreme Court—the Chamber of Extraordinary Control and Public Affairs, whose members are appointed by the now-politicized National Council of the Judiciary (KRS)—the authority to validate or reject election and referendum results. The chamber’s substantial power, along with its vulnerability to politicization, further threaten the integrity of electoral oversight.

In 2020, PiS undermined the authority of the PKW by ordering the postal service to administer a mail-in vote without passing proper legislation. The head of the PKW and international democracy watchdogs said such a vote—which was ultimately abandoned—would have been neither fully free nor fair.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Poland’s political parties organize and operate freely. While the party system has been dominated by PiS and the centrist PO for the better part of two decades, challengers have

risen and fallen. The latest of these, Poland 2050, a new party founded by the defeated presidential candidate Szymon Hołownia in 2020, surged in the polls to become the largest opposition force between April and July 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple rotations of power among rival parties since the transition from communist rule. However, the opposition faces obstacles including propaganda by PiS-controlled public media and legal changes related to electoral administration.

The PiS victory in the 2015 elections ended two terms of governance by PO, now in opposition. In 2019, PiS won a slim majority in the Sejm but lost control of the Senate. The Democratic Left Alliance (SLD) returned to the parliament, while four new parties entered for the first time.

The 2020 presidential campaign of pro-European Union (EU) Warsaw mayor Rafał Trzaskowski was one of the most significant challenges to PiS's grip on power since 2015. The presidential vote ended with the narrowest margin of victory for the incumbent since 1989.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and politicians are generally free from undue interference by outside groups, though there are some concerns that personnel changes associated with the PiS government's assertion of control over various state institutions could be exploited to mobilize political support among public employees ahead of future local and national elections.

Powerful priest Tadeusz Rydzyk, an ally of PiS, uses his media outlets to support the government's message, and has received generous state grants for organizations under his control.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women have equal political rights and hold 28 percent of the seats in the Sejm; however, the number of government ministries was reduced from 20 to 14 in September 2020, leaving just one woman in the new cabinet.

Ethnic, religious, and other minority groups enjoy full political rights and electoral opportunities. However, LGBT+ people face significant challenges to entering politics and seeing their interests represented in Polish politics in practice. Homophobic rhetoric by government figures, including President Duda, is common; PiS and its media allies have frequently used homophobic rhetoric warning of the alleged dangers of LGBT+ rights. Despite such challenges, in 2020, Robert Biedroń, an openly gay member of the European Parliament, was nominated as a presidential candidate by an alliance of three left-wing parties.

Electoral lists representing recognized national minorities are not subject to the minimum vote threshold for parliamentary representation.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Freely elected officials generally determine and implement laws and policies without interference, though PiS chair Jarosław Kaczyński—who was appointed deputy prime minister in September 2020, and had previously played a dominant role in the government despite not holding any official executive position—retains significant influence on

government affairs. Throughout its time in power, PiS has sought to limit parliamentary scrutiny of legislation through various means, such as making use of private-members bills that require no consultation or impact assessments; introducing legislation unexpectedly at the last minute, sometimes in the middle of the night; and limiting opportunities for the opposition to question or amend legislation.

C2. Are safeguards against official corruption strong and effective? 3 / 4

PiS came to power promising to clean up corruption, cronyism, and nepotism. Cronyism, a problem under all previous Polish governments, is widespread under PiS, as it has altered, lowered, or removed many criteria for staffing of public institutions, allowing for appointments based on party loyalty and personal connections. In July 2021, PiS adopted a resolution prohibiting family members of politicians from taking jobs in state-owned companies. The resolution, however, does not apply retroactively and includes major exemptions.

In past years, the NIK, a state watchdog, has raised concerns about the misuse of public funds by PiS and its coalition partners. However, since the PiS-appointed chair of NIK took office in 2019, he has been investigated for possible irregularities in his property declarations and links to a criminal group. He has called the allegations a “smear campaign” and rejected the prime minister’s call for his resignation.

In July 2021, the NIK called for an investigation into the justice ministry for allegedly improperly dispensing hundreds of millions of zloty meant for victims of crime, including to political allies. In response, the justice minister is seeking to strip the NIK head of immunity from prosecution.

C3. Does the government operate with openness and transparency? 2 / 4

The right to public information is guaranteed by the constitution and by the 2001 Act on Access to Public Information, but obtaining records and data from public institutions can be slow and difficult.

The current government avoids consulting outside experts or civil society organizations on policy ideas and tends to introduce and pass legislation rapidly, with little opportunity for debate or amendment.

In 2021, the government faced a string of scandals when official correspondence was leaked from private email accounts; the government has blamed the leak on Kremlin-backed Russian hackers, and claims that some of the emails are not authentic, but part of a Russian disinformation campaign.

CIVIL LIBERTIES: 48 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 3 / 4**

The constitution guarantees freedom of expression and forbids censorship, though libel laws have been used to harass journalists. Since 2015, nearly 200 lawsuits against independent media outlets and journalists have been filed by politicians and government-affiliated entities.

Public media and their governing bodies have been purged of independent or dissenting voices since PiS came to power in 2015. TVP, the state broadcaster, promotes government messages and often seeks to discredit the opposition, in flagrant breach of statutory obligations to present news in a “reliable and pluralistic manner.” In June 2021, an international study found that TVP is the least trusted of Poland’s most prominent news sources. TVP also depicts voices critical of the government, including NGOs and judges, as agents of the opposition or foreign forces. The broadcaster’s electoral coverage in 2020 was marked by “xenophobic, homophobic and antisemitic” rhetoric, according to the OSCE’s observers.

Since 2015, the government has regularly used state-run companies to exert control over local media. In December 2020, oil giant PKN Orlen bought the previously German-owned Polska Press, a media organization that publishes 20 regional daily newspapers, 120 regional weekly newspapers, and 500 online portals. While the company has pledged to safeguard editorial independence, more than a dozen editors-in-chief had quit or been dismissed by July 2021.

PiS leadership also promised to pass a law “deconcentrating” and “repolonizing” private media by reducing foreign ownership, a move that would disproportionately affect the outlets that most vigorously hold the current government to account. In August 2021, the Sejm passed a bill preventing companies registered outside the European Economic Area (EEA) from majority ownership of Polish media companies. While officials say tightening ownership rules would prevent states like China and Russia from influencing media, opposition figures have accused the government of seeking to silence the US-owned TVN, a prominent critic of PiS and the country’s largest private broadcaster. The bill was rejected by the Senate in September, but passed again by the Sejm in December, before being vetoed by Duda later that month.

Since 2015, state-controlled companies have also shifted their advertising to private media outlets that support the PiS government. More critical outlets have suffered a corresponding drop in advertising revenue, as well as a sharp decline in subscriptions from government ministries. In February 2021, the government proposed a new tax on media advertising revenue, which independent media organizations claimed would threaten media freedom; following widespread protests, including an unprecedented 24-hour media black-out, the government agreed to rewrite its proposal.

In September 2021, the government declared a state of emergency barring journalists from visiting two provinces on the border with Belarus amid a surge of illegal migrant crossings. Critics say the measure is designed to limit media scrutiny of official conduct in the area.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The state respects freedom of religion. The PiS government is aligned with the Roman Catholic Church, which wields significant influence in the country. Religious groups are not required to register with the authorities but receive tax benefits if they do. Minority faiths are generally able to obtain registration in practice. There is a formal ban on state funding for church construction, but, in practice, a church can obtain Culture Ministry funding if it includes a museum.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The ruling party has sought to discredit academics who challenge its preferred historical narrative, particularly with regard to the events of World War II. However, the right to pursue academic research has been upheld by courts.

In February 2021, a Warsaw district court ordered two Holocaust scholars to apologize to a woman who claimed they defamed her uncle in their book on wartime Poland; the book contained the testimony of a Holocaust survivor who accused the woman’s uncle—the mayor of a small Polish town during World War II—of collaboration with the Nazis. The case triggered international concern over the use of the judicial system to restrict academic freedom. An appeals court overturned the ruling in August, citing the importance of freedom in scholarly research and condemning the use of litigation to interfere with academic work.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

People are generally free to engage in private discussions on political and other matters without fear of harassment or detention by the authorities. However, Poland has harsh insult laws, including against offending religious feelings and insulting the president, which have been increasingly used to pursue criminal cases in recent years.

In March 2021, a popular Polish writer, Jakub Żulczyk, was charged with insulting the president on social media, for which he could face up to three years in prison; his trial began in November. Earlier that year, a Polish musician was convicted of blasphemy for posting a photo of a foot stepping on an image of the Virgin Mary. A Warsaw court ordered him to pay a fine, but he contested the judgment, and the case was dismissed in September.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is generally respected in law and in practice. Public demonstrations are held with some regularity, though local authorities can limit demonstrations in their districts on grounds of maintaining public order.

Greater numbers of LGBT+ pride parades have taken place in Poland in recent years, with many staged in smaller and eastern cities for the first time. Authorities attempted to obstruct these events, including on grounds of safety, but in each case courts prevented authorities from stopping the organizers, arguing that freedom of assembly cannot be denied on the basis of potential violence by opponents.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Although NGOs have generally operated without government interference in Poland, public media and top government officials began systematically undermining the credibility of rights and governance-related groups in 2016, accusing many of lacking financial transparency and pursuing an opposition-led political agenda. A 2017 law centralized distribution of public NGO funding through a new body, the National Freedom Institute, which is indirectly attached to the prime minister's office. As anticipated, when the National Freedom Institute distributed funds in 2019, the money went disproportionately to organizations that fit the government's ideological profile.

In September 2021, the government imposed a state of emergency on the border with Belarus in response to repeated attempts by thousands of migrants, mostly from the Middle East, to enter Poland illegally. This decision barred NGOs from entering the area; international human rights organizations have criticized Polish authorities for refusing to allow NGOs to provide humanitarian aid to migrants stranded along the border or to monitor the conduct of border guards and police.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Poland has a robust labor movement, though certain groups—including the self-employed, private contractors, and those in essential services—cannot join unions. Complicated legal procedures hinder workers' ability to strike.

F. RULE OF LAW: 10 / 16 (-1)**F1. Is there an independent judiciary? 1 / 4**

Since taking power in 2015, the PiS government has moved aggressively to assert control over the judiciary, passing legislation designed to curb the powers of the TK and to

install progovernment judges on its benches. In a May 2021 ruling, the European Court of Human Rights (ECtHR) found that the TK is not a “tribunal established by law,” because at least one of its judges was illegitimately appointed.

In 2017, three significant judicial reforms were adopted. The first gave the justice minister the power to appoint and dismiss presidents and deputy presidents of courts. The second, which came into force in 2018, mandated that 15 of the 25 members of the KRS, which is responsible for nominating judges, be appointed by the parliament instead of elected by the judiciary. In July 2018, new, lower retirement ages for the Supreme Court came into force, effectively meaning that 27 out of 73 judges had to step down unless they were given the president’s approval to remain. These judges were reinstated later that year after an infringement procedure from the European Commission and an interim ruling of the European Court of Justice (ECJ), which later confirmed that the measures had breached European law. The Supreme Court law also created powerful new chambers—the Chamber of Extraordinary Control and Public Affairs (responsible for declaring the validity of elections), and the Disciplinary Chamber.

In 2019 and 2020, the European Commission launched infringement procedures alleging that the Disciplinary Chamber undermined the independence of judges. In July 2021, the ECJ ordered that the activities of the Disciplinary Chamber be suspended, expanding the scope of an earlier judgment, which, according to critics, the Polish government had ignored. The ECJ’s July 2021 ruling stated that the Chamber lacked independence from the legislature and executive, and that measures needed to be taken immediately to rectify the situation. The same day, the TK ruled that the interim measures imposed by the ECJ conflict with Poland’s constitution, potentially opening the way for the government to ignore the ECJ’s rulings on the Disciplinary Chamber. In October 2021, the ECJ imposed a daily penalty of one million euros on Poland until the measures required by the Court’s order are fully implemented.

The same month, in response to a motion from Poland’s prime minister, the TK ruled that some parts of EU law are incompatible with Poland’s Constitution, which would have primacy in such cases. The European Commission responded by launching another infringement procedure, arguing that the TK’s July and October rulings had violated EU law. The Commission also expressed “serious doubts on the independence and impartiality” of the TK itself.

Since 2018, several European courts have rejected Polish arrest warrants and extradition requests, citing concerns about the independence of Polish courts. In September 2020, a Dutch court ruled that the Netherlands would suspend all extraditions to Poland until the Court of Justice of the EU (CJEU) responds to its concerns about the ability of the Polish judiciary to ensure fair trials for all defendants.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Defendants generally enjoy due process protections in Poland, though the law allows for extended pretrial detention, and there is a large backlog of cases. The decision by the PiS government to merge the roles of justice minister and prosecutor general “creates potential for misuses and political manipulation” of the justice system, according to the Venice Commission. The use of pretrial detention has significantly increased since the PiS came to power.

Legislation introduced in 2016 gave law enforcement agencies broad authority to monitor citizens’ communications activity, including the ability to access metadata without a court order, monitor the movements of foreign citizens without prior court approval, and hold terrorism suspects without charge for up to two weeks. It also contained ambiguous provisions on collecting individuals’ data, arresting civilians, prohibiting demonstrations, and blocking internet access.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Civilians are largely free from extralegal violence, though some incidents of abuse by police have been alleged in the context of antigovernment demonstrations. Human rights groups have reported inadequate medical care in prison facilities.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (-1)

Women and ethnic minority groups generally enjoy equality before the law. LGBT+ people continue to face discrimination. Public support for LGBT+ rights, including same-sex civil partnerships, has risen in recent years. However, 2019 and 2020 saw major setbacks, as an intense anti-LGBT+ campaign led by PiS and parts of the church stoked fears of an “imported LGBT ideology.” By the end of 2020, more than 100 local governments had declared themselves “LGBT-ideology-free” zones or established “family charters,” in resolutions without specific legal implications that were described by domestic and international rights groups as “manifestations of hate” toward LGBT+ people. However, in 2021, the Polish government asked local authorities to repeal their anti-LGBT+ resolutions after the EU threatened to withdraw millions of euros in funding from towns that had adopted such declarations.

Because Poland’s law against inciting hatred does not cover crimes motivated by sexuality or gender identity, public figures have been free to make slurs that would be prosecuted if targeted at other marginalized groups.

In October 2021, the parliament authorized border guards to forcibly expel migrants who had crossed into the country illegally. This law was passed in response to the political and humanitarian crisis taking place along the Polish-Belarusian border, where Belarusian security forces were stranding migrants who then illegally crossed the border into Poland. The situation, apparently engineered by Belarusian President Alyaksandr Lukashenka, has trapped thousands of migrants between the two countries; approximately 20 migrants are believed to have died in the border zone in 2021. Human rights organizations, including the UN, have been denied access to the border zone, and have accused Polish authorities of putting migrants’ wellbeing and lives at risk with this policy of “illegal pushbacks.” In December, the European Commission proposed measures to allow for temporary extended asylum claim processes and expedited deportations.

Score Change: The score declined from 3 to 2 due to unlawful, violent pushbacks of migrants at the Belarusian border; and other mistreatment of migrants by border guards.¹⁸

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

People in Poland typically enjoy freedom of travel and choice of residence, employment, and institution of higher education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Citizens have the right to own property and establish private businesses. However, a 2016 law imposed onerous restrictions on sale and ownership of agricultural land, ostensibly to protect small-scale farmers. State and religious institutions are not bound by the new restrictions.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Under Polish law, abortion is permissible through the 12th week of pregnancy if a woman's health or life is in danger or if the pregnancy is a result of a criminal act such as rape. In October 2020, the TK ruled that abortion in cases where the fetus has a congenital disorder is unconstitutional, effectively restricting legal abortion to cases involving rape, incest, or danger to the life or health of the mother. In response to the ruling, mass protests with hundreds of thousands of participants took place in Warsaw and other Polish cities. Despite delays in late 2020, the ruling went into effect in January 2021. UN human rights experts said the ruling violates Poland's human rights obligations, and has "effectively slammed the door shut" on legal and safe abortions in the country.

Since 2017, contraceptive pills have been available by prescription only, making Poland one of only two EU countries in which such a restriction is in place. A report by the NIK found that in many, especially rural, parts of Poland, gynecologists are rare. Many women must travel to obtain care, and reliable and timely access to contraception and other sexual-health services is limited.

Same-sex civil partnerships and marriages are not permitted, and same-sex couples are not legally allowed to adopt. The constitution places "marriage, as a union of a man and a woman," under the "care and protection" of the state. In August 2021, the leader of PO, Donald Tusk, pledged to introduce same-sex unions as one of his first acts if his party wins elections.

Since 2020, Poland's ministers have debated withdrawing from the Istanbul Convention, a treaty to combat domestic violence and violence against women, on grounds of its alleged promotion of "LGBT and gender ideology." In a September 2021 report, the Council of Europe praised several initiatives introduced by the Polish government to combat domestic violence, including a law passed in March 2020 mandating the immediate separation of perpetrators of domestic violence from their victims. The report further states that more progress must be made, specifically on changing the definition of rape to include all non-consensual sexual acts.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides meaningful protections against abusive working conditions and child labor, especially in the formal sector. The authorities work to combat human trafficking, but women and children are still subjected to trafficking for sexual exploitation and foreign migrant workers are vulnerable to conditions amounting to forced labor.

State-owned entities have been expanding their already considerable presence in various sectors, such as banking, often by buying out foreign owners, as the government effectively renationalizes parts of the economy. Hiring for senior positions at such firms is often based on political loyalty or connections rather than merit, a longstanding issue under various governments that has grown more widespread under the current administration.

Portugal

Population: 10,300,000

Capital: Lisbon

Freedom Status: Free

Electoral Democracy: Yes

Overview: Portugal is a stable parliamentary democracy with a multiparty political system and regular transfers of power between rival parties. Civil liberties are generally protected. Ongoing concerns include corruption, certain legal constraints on journalism, poor or abusive conditions for prisoners, and the effects of racial discrimination and xenophobia. Prosecutors have pursued corruption cases against top officials in recent years.

KEY DEVELOPMENTS IN 2021

- A new wave of the COVID-19 pandemic affected Portugal severely at the beginning of the year, leading officials to impose another lockdown, but restrictions were subsequently eased as a well-organized vaccination campaign reduced the severity of the health crisis.
- President Marcelo Rebelo de Sousa was reelected in January, easily defeating six challengers. Due to the pandemic, voter turnout was unusually low.
- An audit revealed in June that authorities in the capital had for years illegally shared protesters' personal information with the foreign governments they were demonstrating against.

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

In Portugal's parliamentary system, the prime minister holds the most executive power, though the directly elected president can delay legislation through a veto and dissolve the parliament to trigger early elections. The president serves up to two five-year terms.

In January 2021, President Marcelo Rebelo de Sousa, supported by two center-right parties, won reelection with 61 percent of the vote. Socialist Party (PS) candidate Ana Gomes placed second with 13 percent, and far-right ultranationalist candidate André Ventura secured 12 percent, with four others capturing the remainder. Due to the COVID-19 pandemic, only about 39 percent of eligible voters participated.

António Costa of the PS has served as prime minister since 2015 and was reappointed in 2019, after his party won that year's parliamentary elections. In November 2021, the parliament rejected the government's budget bill, prompting the president to schedule general elections for January 2022.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 230 members of the unicameral Assembly of the Republic are directly elected every four years using a system of proportional representation in 22 multimember constituencies.

In the 2019 legislative elections, the governing PS came in first with 106 seats, up from 86 in the previous parliament. The center-right opposition Social Democratic Party (PSD) placed second with 77 seats. The Left Bloc (BE) took 19 seats, the leftist and green Unitary Democratic Coalition secured 12, the conservative People's Party won 5, and the People-Animals-Nature (PAN) party took 4. Three new parties—Liberal Initiative, the far-right nationalist Chega, and the leftist and green Livre—entered the parliament with one seat each.

In September 2021, Portugal held municipal council elections, with voter turnout of about 54 percent. The PS won in 147 out of 308 municipalities, but they lost control over the capital, where the PSD entered government after 14 years of PS rule. The PSD took 72 municipalities overall, while the People's Party led in 34. Chega secured just 4.2 percent of the vote and no municipalities.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections in Portugal are generally free and fair. The National Elections Commission oversees the process. An Organization for Security and Co-operation in Europe (OSCE) monitoring report issued after the 2021 presidential election called for further improvements to Portugal's legal framework, including shorter deadlines for reporting on campaign finances and the decriminalization of defamation.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties operate and compete with equal opportunity. There is no legal vote threshold for representation in the parliament, meaning smaller parties can win a seat with little more than 1 percent of the overall vote. Parties espousing racist, fascist, or regionalist ideologies are constitutionally prohibited.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Portugal has established a strong record of peaceful and regular power transfers between rival parties since it returned to democracy in the late 1970s. Opposition parties maintain a sizable presence in the parliament and govern important municipalities, including the capital as of 2021.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Both voters and politicians are free from undue interference by forces outside the political system.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and members of ethnic, religious, and other minority groups enjoy full political rights and participate in the political process. Women held 38 percent of the seats in parliament as of 2021, and three of them were of African descent—although these women continued to face racist, xenophobic abuse, including by André Ventura, a lawmaker and founder of the Chega party. During the September 2021 local elections, Beatriz Gomes Dias, a woman of African descent who headed the Left Bloc's candidate list for the Lisbon city council, faced racist harassment on social media.

The autonomous regions of the Azores and Madeira—two island groups in the Atlantic—have their own political structures with legislative and executive powers.

C. FUNCTIONING OF GOVERNMENT: 11 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials are free to determine and implement laws and policies without improper interference by unelected groups.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The country has struggled in recent years with major corruption scandals involving high-ranking politicians, officials, and businesspeople, though many individuals have been and are being duly prosecuted. In April 2021, it was announced that former prime minister José Sócrates would be tried on charges of money laundering and falsifying documents, but would not stand trial for other initial charges related to corruption. He had originally been arrested in 2014 on charges of corruption, tax evasion, and money laundering.

In 2020, the European Commission published a report that highlighted deficiencies in Portugal's efforts to combat corruption. While several laws to enhance accountability and transparency for elected officials were approved in 2019, enforcement and effectiveness remained unproven, and resources for auditors, police, and prosecutors were inadequate. Whistleblower protections are in place, but controversy surrounded the case of Rui Pinto, a hacker-turned-whistleblower who leaked troves of documents related to the business activities of European soccer clubs. His trial on dozens of charges began in September 2020 and continued in 2021.

C3. Does the government operate with openness and transparency? 4 / 4

Portuguese law provides for public access to government information and judicial proceedings, and state agencies generally respect this right. In 2020, after the government resisted civil society groups' requests for information about its investment visa program, the courts compelled the release of detailed data. The government published all of its contracts related to the COVID-19 pandemic online, along with an overview of its procurements.

CIVIL LIBERTIES: 56 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Freedom of the press is constitutionally guaranteed. Public broadcasting channels are poorly funded and face strong competition from commercial television outlets, which provide a wide range of viewpoints, although this pluralism is threatened by ownership concentration. Internet access is not restricted. According to a 2021 report by the European University Institute's Centre for Media Pluralism and Media Freedom, the pandemic has worsened the precarious working conditions of journalists, who also occasionally face intimidation in the course of their reporting. In January 2021, journalists covering the presidential campaign of the Chega party were threatened and insulted by party supporters.

Defamation remains a criminal offense, and although prosecutions are uncommon, the European Court of Human Rights (ECtHR) has repeatedly ruled against Portuguese authorities for their handling of both civil and criminal defamation cases against journalists. In July 2021, the ECtHR found that a €145,000 (\$170,000) fine imposed on a Portuguese media company for its reporting errors was excessive. The broadcaster had mistakenly linked a politician to a child sex abuse case.

A January 2021 report revealed that in 2018, a prosecutor had ordered the police—without the approval of a court or judge—to follow four journalists in an attempt to discover their sources for reporting on a corruption scandal. The journalists' bank accounts and telephone messages were also monitored.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Portugal is overwhelmingly Roman Catholic, but the constitution guarantees freedom of religion and forbids religious discrimination. The Religious Freedom Act provides benefits for religions that have been established in the country for at least 30 years or recognized internationally for at least 60 years. However, other groups are free to register as religious corporations and receive benefits such as tax-exempt status, or to practice their faith without registering.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected. Schools and universities operate without undue political or other interference.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on private discussion or the expression of personal views, although defamation laws affect ordinary citizens and politicians.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12 (-1)

E1. Is there freedom of assembly? 3 / 4 (-1)

Freedom of assembly is upheld by the authorities, and demonstrations are common in practice. In July 2021, protesters turned out in Lisbon and Porto to denounce COVID-19 containment measures, including digital vaccine certificates and masking requirements.

In June, municipal authorities in Lisbon apologized for passing information to the Russian government about organizers of a January demonstration outside the Russian embassy in support of Russian opposition figure Aleksey Navalny. A week later, an audit of city government procedures showed that authorities in the capital had engaged in similar behavior for years, sharing personal information, including names and addresses, on the organizers of 182 protests with the relevant foreign embassies since 2012. Of those cases, 52 had occurred since the data transfers became illegal under European Union rules in 2018.

Score Change: The score declined from 4 to 3 due to the revelation of a long-standing practice whereby Lisbon authorities had illegally provided the personal data of protesters to the embassies of governments they had demonstrated against.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Freedom of association is respected. National and international nongovernmental organizations (NGOs), including human rights groups, generally operate without interference. Civil society organizations whose work is focused on issues like racism or the rights of women and LGBT+ people have encountered harassment and threats from far-right groups in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers enjoy the right to organize, bargain collectively, and strike, though there are some limits on the right to strike in a wide range of sectors and industries that are deemed essential.

A temporary state of emergency imposed in 2020 to curb the spread of COVID-19 included a suspension of the right to strike for essential workers. The number of labor actions rebounded in 2021, however, with strikes to demand better working conditions taking place at airports, in the railway system, and among police officers.

F. RULE OF LAW: 14 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is generally independent, though the Council of Europe (CoE) stated in a 2019 report that Portugal's efforts to fight corruption among judges and prosecutors were unsatisfactory.

In 2020, the government's decision not to renew the term of the president of the Court of Auditors drew attention to ambiguities in the law that could allow political factors to influence the appointment process.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The authorities generally observe legal safeguards against arbitrary arrest and detention, though court backlogs result in lengthy pretrial detention for some defendants. Due process rights are guaranteed during trial.

Controversy surrounding the government's July 2020 appointment of José Guerra to the European Public Prosecutor's Office (EPPO) continued into 2021. Guerra had been supported by Portugal's High Council of Public Prosecutors, but a European committee of experts preferred another candidate for the post. Critics of the appointment alleged that it was politically motivated, noting that the government had included false information in its submission on Guerra's qualifications.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Human rights groups and the CoE have expressed concern over abuse of detainees and excessive use of force by police, particularly against members of racial and ethnic minorities. Overcrowding in prisons remains a problem, as do poor health and safety conditions.

In 2020, border police at the Lisbon airport's detention center used batons to beat a Ukrainian citizen who was awaiting deportation after arriving without a visa; the man then died of his injuries while in custody. In May 2021, three border guards were found guilty of the murder and sentenced to between seven and nine years in prison.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Equal treatment under the law is guaranteed by the constitution. Various laws prohibit discrimination based on factors including sex, race, disability, gender identity, and sexual orientation. Nevertheless, problems persist with respect to gender bias—including in employment and compensation—and discrimination against members of minority groups, particularly Roma and people of African descent.

Racism and racist violence have become more prominent issues in the public discourse, due in part to growing support for far-right groups. In June 2021, the White suspect accused in the high-profile killing of a Black man in Lisbon in 2020 was sentenced to 22 years and nine months in prison; the assailant had reportedly used racist insults during the attack. Among other obstacles, Black residents are subject to disparities in housing, education, and employment. A 2019 study from the European Network Against Racism (ENAR) found "deeply rooted institutional" discrimination at every stage of the judicial process, from reporting through sentencing. In January 2021, the commander of a special police unit suspended a superintendent who had denounced racism inside the police force.

Discrimination against Roma remains common and rarely punished. Living conditions in Romany communities are generally poor, Romany children face segregation and poor educational outcomes in schools, and Romany adults experience high rates of unemployment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Freedom of movement and associated rights are protected in law and by the constitution, and the government respects these rights in practice.

In early 2021, the authorities imposed new lockdowns, curfews, and other restrictions on movement to combat a surge in cases of COVID-19. The measures were eased over the course of the year as the rate of vaccinations increased and helped to curb the severity of the public health crisis. A municipality in southern Portugal was accused in January of imposing discriminatory lockdown measures on a Romany neighborhood; after facing public criticism, municipal officials met with civil society groups to discuss the issue and develop more inclusive policies.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The government does not interfere with the rights to own property, establish private businesses, and engage in commercial activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

There are no major restrictions on personal social freedoms. Portugal legalized same-sex marriage in 2010 and extended adoption rights to same-sex couples in 2015. A 2018 law eliminated the need for transgender people to obtain a medical certificate to formally change their gender or first name. Domestic violence remains a problem despite government efforts aimed at prevention, education, and victim protection.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The authorities generally enforce legal safeguards against exploitative working conditions. However, Portugal remains a destination and transit point for victims of human trafficking, particularly from Eastern Europe, Asia, and West Africa. Although forced labor is prohibited by law, there have been some reports of the practice, especially in the agriculture, hospitality, domestic service, and construction sectors. Immigrant workers are especially vulnerable to economic exploitation.

The economic disruption caused by the COVID-19 pandemic disproportionately affected immigrant workers, and the temporary closure of schools for public health reasons was especially harmful to children in rural areas who lacked internet access.

Qatar

Population: 2,900,000

Capital: Doha

Freedom Status: Not Free

Electoral Democracy: No

Overview: Qatar's hereditary emir holds all executive and legislative authority and ultimately controls the judiciary. Political parties are not permitted, and the only elections are for an

advisory municipal council. While Qatari citizens are among the wealthiest in the world, most of the population consists of noncitizens with no political rights, few civil liberties, and limited access to economic opportunity.

KEY DEVELOPMENTS IN 2021

- In October, the first election for 30 of the 45 seats on the Advisory Council (Majlis al-Shura) were held. Though official turnout was 63.5 percent, in July the emir had signed a law restricting the voter franchise to “native” Qataris, whose families had settled in Qatar before 1930. The number of citizens denied voting rights due to the law is unclear.
- In February, a report from *The Guardian* estimated that more than 6,500 migrant worker deaths had been recorded in the 10 years since Qatar was awarded World Cup hosting rights. Three Norwegian journalists investigating migrant worker conditions in Qatar were arrested and briefly detained by the authorities in November.

POLITICAL RIGHTS: 7 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The emir appoints the prime minister and cabinet and selects an heir-apparent after consulting with the ruling family and other notables. In 2013, Sheikh Hamad bin Khalifa al-Thani abdicated as emir, handing power to his fourth-born son, Sheikh Tamim bin Hamad al-Thani. In January 2020, Sheikh Khalid bin Khalifa al-Thani succeeded Sheikh Abdullah bin Nasser al-Thani, a fellow member of the ruling family, as both prime minister and interior minister.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 2003 constitution stipulates that 30 of the 45 seats on the Advisory Council should be filled through elections every four years, with the emir appointing the other 15 members. After years of delay, the emir announced in November 2020 that elections for two-thirds of the body’s seats would take place in October 2021. Though official turnout for the election was 63.5 percent, in July 2021 Tamim signed a law restricting the voter franchise to “native” Qataris, whose families had settled in Qatar before 1930. The number of citizens denied voting rights due to the law is unclear. After public outcry and some small-scale protests, Emir Tamim supported amending the law to include all citizens for future votes.

Nonpartisan elections have been held since 1999 for the 29-member Central Municipal Council, a body designed to advise the minister for municipal affairs. Members serve four-year terms. Turnout for the April 2019 Central Municipal Council elections fell to 50.1 percent of registered voters.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Electoral laws currently in force cover the Central Municipal Council and Advisory Council elections. Qatari citizens over the age of 18 who can demonstrate that their male ancestors were settled in Qatar prior to 1930 are eligible to vote, except those in the military or working for the Interior Ministry.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The government does not permit the existence of political parties or other political groupings. All candidates for elections run as independents.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The ruling family maintains a monopoly on political power, and the system excludes the possibility of a change in government through elections. Dissident members of the Qatari ruling family living abroad have at times advocated for political change in Qatar, though they have no organized public support.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Public participation in the political arena is extremely limited. Voters and candidates who do take part in the municipal and Advisory Council elections are often influenced by tribal and family ties.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Up to 90 percent of Qatar's population is composed of noncitizens, including expatriates and migrant workers as well as some stateless residents, who have no political rights or electoral opportunities. Citizenship is inherited exclusively from a Qatari father; residents can apply for citizenship after 25 years in the country, but this is rarely granted. The July 2021 changes to the electoral law distinguished between "native" Qataris, whose family settled in Qatar before 1930, and naturalized citizens, who are unable to vote. In late October, Emir Tamim instructed the cabinet to amend the law to promote "equal citizenship."

Qatari women enjoy some political rights, though they have little opportunity to organize independently and advocate for their interests. In the 2019 municipal council elections, 5 of the 85 candidates were women, and 2 of them—both incumbents—won seats. None of the 26 women candidates for the 30 open Advisory Council seats won in the 2021 elections. Emir Tamim appointed two women to the additional 15 seats, including Shaikha bint Yousuf Hassan al-Jufairi, who in 2003 became the first woman to win an election in any Gulf State.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Decision-making authority is concentrated in the hands of the emir and his family, and the Advisory Council has only limited ability to offset executive power in certain areas. However, in July 2021, the emir granted the Advisory Council legislative powers, including the ability to propose laws and approve or reject the national budget.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The authorities regularly punish lower-level public officials for bribery and embezzlement, but corruption remains a concern. No genuinely independent anticorruption mechanisms hold senior officials and members of the ruling family publicly accountable for the

allocation of state resources. In May 2021, the finance minister, Ali Sharif al-Emadi, was removed from office and detained as part of an investigation into allegations of misuse of public funds and abuse of power.

Qatar has also been accused of employing corrupt tactics in its successful bid to host the International Federation of Association Football (FIFA) 2022 World Cup.

C3. Does the government operate with openness and transparency? 1 / 4

Official information is tightly controlled, and critics complain of a lack of transparency in state procurement. Although the State Audit Bureau prepares budgets and accounts for government institutions, it does not share their full details with the public or the Advisory Council. A 2016 law empowered the bureau to make some aspects of its audit findings public, but the security ministries remained exempt from its oversight.

In April 2021, Abdullah Ibhaïs, a former employee of Qatar's World Cup organizers who exposed abuses against and mistreatment of migrant workers, was given a prison sentence for alleged bribery and misuse of funds. His sentence was reduced in December to three years.

CIVIL LIBERTIES: 18 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

Both print and broadcast media are influenced by leading families and subject to state censorship. The international television network Al Jazeera is privately held, but the government has reportedly paid to support its operating costs since its inception in 1996. All journalists in Qatar practice a degree of self-censorship and face possible jail sentences for defamation and other press offenses. Access to the independent English-language website Doha News was restored in May 2020, having been blocked in late 2016 for operating without a required permit.

In January 2020, an amendment to the penal code made the sharing or publication of "false news" punishable with up to five years in prison or a maximum fine of 100,000 riyals (\$27,500).

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the official religion, though the constitution explicitly provides for freedom of worship. The Ministry of Islamic Affairs oversees the construction of mosques, the hiring of imams, and guidance for sermons. Churches have been built for Qatar's growing Christian community, but non-Muslims are not allowed to proselytize or worship in public.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The constitution guarantees academic freedom, but scholars often self-censor on politically sensitive topics. Foreign universities have established branches in Qatar under a program meant to strengthen the country's educational institutions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

While residents enjoy some freedom of private discussion, security forces reportedly monitor personal communications, and noncitizens often self-censor to avoid jeopardizing

their work and residency status. Social media users can face criminal penalties for posting politically sensitive content. However, citizens and residents have become more active in debating current affairs and regional developments without apparent retribution in recent years.

Malcolm Bidali, a security guard from Kenya who blogged about labor rights in Qatar, was detained in May 2021, and charged by the Supreme Council of the Judiciary in July for publishing false news. Amid an international outcry, Bidali was deported in August after paying a fine of 25,000 riyals (\$6,810).

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

The constitutional right to freedom of assembly is limited by restrictive laws and does not apply to noncitizens. Organizers of public events must obtain a permit from the Interior Ministry, and protests are rare. Small-scale protests occurred in September 2021 against discriminatory voting rules implemented in the October elections; several demonstrators were arrested by security forces.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

All nongovernmental organizations need state permission to operate, and the government closely monitors their activities. There are no independent human rights organizations, though a government-appointed National Human Rights Committee investigates alleged abuses. Independent activists are subject to state harassment. Human rights lawyer Najeeb al-Nuaimi remained under a travel ban imposed by the attorney general in 2017.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

A 2005 labor law expanded worker protections, but the rights to form unions and to strike remain restricted. The only trade union allowed to operate is the General Union of Workers of Qatar, and the law prohibits union membership for noncitizens, government employees, and household workers.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Despite constitutional guarantees, the judiciary is not independent in practice. Many judges are foreign nationals serving under temporary contracts that are renewed annually. The Supreme Council of the Judiciary, composed of senior judges, administers the courts and plays a role in nominating judges for appointment by the emir.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Certain laws allow lengthy detentions without charge or access to a lawyer for suspects in cases involving national security or terrorism. Even under normal criminal procedure, judges can extend pretrial detention for up to half of the maximum prison term allowed for the alleged crime. Many laws contain ill-defined offenses and other language that gives prosecutors and judges broad discretion to determine guilt.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Violent crime is rare in Qatar, and prison conditions reportedly meet international standards. Legal bans on torture and other mistreatment of detainees have generally been respected in recent years, though international experts have called for further legislative and

other improvements. Corporal punishment in the form of flogging, which can be imposed on Muslim defendants for certain offenses under Sharia (Islamic law), is not commonly implemented in practice. The death penalty is permitted, including for crimes other than murder. In April 2020, a migrant worker from Nepal who had been convicted of murder was reportedly executed, the first since 2003.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Noncitizens reportedly face discrimination in the courts and from police. Though the constitution bars gender-based discrimination, women are not legally guaranteed equal treatment, and their testimony is worth less than that of men in certain cases. LGBT+ people are subject to legal and societal discrimination; vague wording in the penal code can be interpreted to criminalize same-sex sexual activity, and Sharia prohibits any sexual acts outside of heterosexual marriage. Same-sex relationships must be hidden in practice.

Though the government provides them some protections and support, asylum seekers and recognized refugees are barred from engaging in political activity and need government approval to change their place of residence. An asylum committee began receiving applications in 2019, though some asylum seekers reportedly continued to be threatened with deportation, casting doubt on the implementation of the law.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Qataris face no major restrictions on freedom of movement within the country or on type or place of employment. Such freedoms, however, are not extended to noncitizens and foreign workers, who continue to face a variety of constraints. In 2020, the government expanded migrant workers' ability to leave the country without the permission of their employers, extending the right to sectors previously excluded. That August, the emir also signed legislation allowing migrant workers to change employers before the end of their contract without their existing employer's permission, so long as they provide written notice. However, Amnesty International noted that employers would still manage workers' residence permits and could still file criminal "absconding" charges against workers who leave their jobs without following the proper procedures.

Each year, up to 100 children and foreign spouses of Qatari women, as well as individuals who provide exceptional skills or services to the country, can receive permanent residency, giving them access to state education and health benefits and greater rights to own property and run businesses in Qatar.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Qataris are permitted to own property and start private businesses, although the process of obtaining necessary commercial permits can be cumbersome. With some exceptions, noncitizens are generally barred from owning property and require Qatari partners to own and operate businesses. Women do not have rights equal to those of men under inheritance laws.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

There are several legal constraints on marriage, and women are typically at a disadvantage to men under laws on personal status matters. Marriage contracts require the consent

of the woman's male guardian, and citizens must obtain government permission to marry foreigners. The foreign wives of Qatari men can obtain citizenship, but foreign husbands of Qatari women are eligible only for residency. Domestic violence and spousal rape are not specifically criminalized. Extramarital sex is illegal.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Many foreign nationals face economic abuses including the withholding of wages, contract manipulation, poor living conditions, and excessive working hours. However, fear of job loss and deportation often prevents them from asserting their limited rights. Women household workers are particularly vulnerable to abuse and exploitation.

International organizations have drawn attention to the harsh working conditions of migrants building the infrastructure for the 2022 FIFA World Cup. In February 2021, a report from *The Guardian* estimated that more than 6,500 migrant worker deaths had been recorded in the 10 years since Qatar was awarded World Cup hosting rights. Three Norwegian journalists investigating migrant worker conditions in Qatar were arrested and briefly detained by the authorities in November 2021.

The government has undertaken some reforms to mitigate these problems. A 2017 law guarantees household workers a maximum 10-hour working day, one rest day a week, three weeks of annual leave, and an end-of-service payment, among other provisions. However, the government lacks enforcement mechanisms to ensure compliance, and the 2017 law's standards are weaker than those in the main labor law. A 2020 reform established a monthly minimum wage of 1,000 riyals (\$275) for all workers, regardless of sector or nationality. Authorities introduced a nondiscriminatory minimum wage in March 2021 (the first in the region), benefiting an estimated 400,000 workers, equivalent to 20 percent of the private sector workforce. In May 2021, a ministerial decision expanded the hours during which outside work is prohibited between June 1 and September 15 to mitigate the effects of heat stress during the summer months.

Romania

Population: 19,200,000

Capital: Bucharest

Freedom Status: Free

Electoral Democracy: Yes

Overview: Romania's multiparty system has ensured regular rotations of power through competitive elections. Civil liberties are generally respected but have come under growing pressure as entrenched political interests push back against civic and institutional anticorruption efforts. Discrimination against minorities and other vulnerable groups is a long-standing problem, as is control of key media outlets by businessmen with political interests.

KEY DEVELOPMENTS IN 2021

- In October, the governing coalition led by Florin Cîțu of the National Liberal Party (PNL) lost a no-confidence vote. In November, Nicolae Ciucă of the PNL formed a new government with the Social Democratic Party (PSD) and the Democratic Union of Hungarians in Romania (UDMR).
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- In July, the nationalist Alliance for the Union of Romanians (AUR) announced that it was drafting a bill to restrict the discussion of sexual orientation or identity in educational settings. The AUR and the UDMR committed to introducing such a bill later in the year.
- Romania, which saw a relatively low COVID-19 vaccine uptake, faced a new wave of infections in October, prompting the government to restrict access to nonessential medical treatment. Authorities reported 1.1 million cases and 43,000 deaths to the World Health Organization for the year.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who holds some significant powers in Romania's semipresidential system, is directly elected for up to two five-year terms. The president appoints the prime minister in consultation with the parliamentary majority, and the prime minister's government requires the confidence of Parliament. Presidential and parliamentary elections held since 1991 have been generally free and fair. Klaus Iohannis, a centrist who had belonged to the PNL, was reelected in November 2019, winning 66.1 percent of the vote in a runoff. Viorica Dăncilă of the PSD won 33.9 percent.

Florin Cîțu of the PNL became prime minister in December 2020. His government, which was originally supported by the Save Romania Union (USR) and the UDMR, lost a no-confidence vote in October 2021; the USR had withdrawn its support in September. Nicolae Ciucă of the PNL became prime minister in November, after he formed a coalition with the PSD and UDMR.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the bicameral Parliament, consisting of a 136-seat Senate and a 330-seat Chamber of Deputies, are elected to four-year terms in a closed party-list proportional system.

Elections for both houses were held in December 2020, though electoral campaigns were affected by COVID-19-related restrictions. Turnout for the Chamber of Deputies contests stood at a record-low 33.3 percent. The PSD won 28.9 percent of the vote and 110 seats, while the PNL won 25.2 percent and 93 seats. The 2020 USR-PLUS Alliance—which consisted of the USR and the Party of Liberty, Unity, and Solidarity before their merger was officially recognized in April 2021—won 15.4 percent and 55 seats. The UDMR won 5.7 percent and 21 seats. The AUR entered Parliament for the first time, winning 9.1 percent and 33 seats.

In the concurrent Senate elections, the PSD won 29.3 percent of the vote and 47 seats, while the PNL won 25.6 percent and 41 seats. The 2020 USR-PLUS Alliance won 15.9 percent and 25 seats, the AUR won 9.2 percent and 14 seats, and the UDMR won 5.9 percent and 9 seats. Turnout for the Senate elections stood at 31.9 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework generally provides for fair and competitive elections. The Romanian electoral framework relies on a Central Election Bureau, which includes judges and political representatives, and a Permanent Electoral Authority, which manages voter registration, campaign finance, and logistics.

Organization for Security and Co-operation in Europe (OSCE) observers who monitored the December 2020 parliamentary elections noted the complexity of the legal electoral framework. Observers criticized parliamentarians' fast-tracking of electoral-law amendments that September, limiting public debate. OSCE observers also voiced concerns over the electoral authorities' training efforts, which were affected by the pandemic.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Romania's multiparty system features active competition between rival political parties. Under the 2015 electoral law, the number of signatures needed to create a new party decreased dramatically, leading to the registration of many new parties. Some 217 parties and alliances competed in the September 2020 local elections; 24 parties and individual candidates competed for Senate seats that December, while 82 groups and candidates, including ethnic minority groups, competed for lower-house seats.

Critics have argued that signature thresholds to register candidates for local and parliamentary elections place new and smaller parties at a disadvantage. COVID-19-related legislation reduced the signature requirements for local candidates by half.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Romania has established a record of peaceful transfers of power between rival parties. Since 1996, the PSD and PNL, the country's two largest parties, have regularly alternated in government. However, no party has yet governed for two full consecutive terms. Governments often fall in no-confidence votes; the Cițu government successfully survived a no-confidence effort in June. A September motion was carried in October, however, prompting its fall.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People are generally free to make political choices without undue pressure from unaccountable actors. However, clientelism in politics remains a problem in local and legislative elections and among ruling and opposition parties. In small towns and villages, mayors retain significant leverage over voters. Local mayors are known to switch parties to secure funding or other resources.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic, religious, and other minority groups enjoy full political rights under the law. The constitution grants one lower-house seat to each national minority whose representative party or organization wins no seats otherwise, with a maximum of 18 seats allotted in this fashion. President Iohannis, an ethnic German and a Lutheran, is the country's first president from either minority group. The UDMR, which represents the Hungarian minority, participated in the coalitions formed in 2020 and 2021.

Roma, who make up over 3 percent of the population, are underrepresented in politics. Social discrimination against LGBT+ people discourages political advocacy for their rights.

Data collection on gender representation is lacking, as is a policy to encourage female political participation. Women held 19 percent of Chamber of Deputies seats and 18.4 percent of Senate seats as of December 2021.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials are generally able to craft and implement government policy without outside interference.

C2. Are safeguards against official corruption strong and effective? 2 / 4

High levels of corruption, bribery, and abuse of power persist. Romania maintains a comprehensive anticorruption action plan, though the European Anti-Fraud Office noted that anticorruption bodies face pressure when pursuing high-level cases in a 2020 report.

The National Anticorruption Directorate (DNA) previously won international praise for fairly investigating corruption and securing convictions of powerful figures. However, the 2018 dismissal of DNA chief Laura Codruța Kövesi was seen as a blow to its independence. Kövesi, who currently heads the European Public Prosecutor's Office, won a European Court of Human Rights judgment over her dismissal in 2020.

The Fight against Fraud Department called on an investigation against then deputy premier Dan Barna of the USR over the alleged misuse of EU funds. In June 2021, the DNA elected not to pursue the matter for lack of evidence.

C3. Does the government operate with openness and transparency? 3 / 4

Citizens have the legal right to obtain public information and can petition government agencies for it. However, processes for soliciting participation and input from various stakeholders and civil society experts are poorly defined, and the government widely utilizes emergency ordinances for legislating. COVID-19-related information was sometimes withheld, or was otherwise disseminated slowly, by authorities.

CIVIL LIBERTIES: 48 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16****D1. Are there free and independent media? 3 / 4**

Although the media environment is relatively free and pluralistic, key outlets remain controlled by businessmen with political interests, and coverage is highly distorted by their owners' priorities. Media outlets increasingly rely on publicly funded advertising and subsidies.

The government provided funding to media outlets for the purposes of a pandemic-related public campaign. In a June 2021 report, Expert Forum noted that some of the funding was not provided to outlets and that the initiative was impacted by clientelism and electoral concerns.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is generally respected. While the Romanian Orthodox Church (BOR) remains dominant and politically powerful, the government formally recognizes 18 religions, each of which is eligible for proportional state support. Others can register as religious associations. There have been reports of discrimination and harassment against religious minorities, including vandalism in Jewish cemeteries and media articles referring to Islam and Muslim migrants as threats to Romania. The promotion of antisemitism was banned by legislation adopted in 2018.

Some religious ceremonies were impacted by COVID-19-related measures. In the first half of 2021, the BOR criticized the government's decision to restrict or cancel major

pilgrimages. Larger religious ceremonies were allowed to proceed after the government eased some pandemic restrictions in June.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government generally does not restrict academic freedom, but the education system is weakened by widespread corruption and politically influenced appointments and financing, including at the local level.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express their opinions without fear of retribution, though social media users have received fines after being accused of insulting police.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Romania's constitution guarantees freedom of assembly. Public gatherings were restricted under pandemic-related measures in March 2020, though restrictions were loosened that September. Restrictions on assemblies were again loosened beginning in May 2021, though authorities imposed curfews depending on COVID-19 transmission rates.

In October 2021, several thousand people participated in an AUR-organized protest after the government introduced new restrictions on unvaccinated individuals. In a December protest, demonstrators opposing the imposition of pandemic pass tried to enter the Parliament building in Bucharest. Security officers blocked doorways but did not respond with force.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate without major formal restrictions. Nevertheless, many human rights and governance groups face funding shortages as well as hostility from politicians and other actors.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the right to form unions, have a limited right to strike, and can bargain collectively, though laws against the violation of these rights are not well enforced. There are legal constraints on the ability of unions to participate in political activity.

F. RULE OF LAW: 12 / 16

F1. Is there an independent judiciary? 3 / 4

The judiciary is generally independent but faces pressure from the executive and legislative branches. A special prosecution unit focusing on magistrates has been criticized by magistrates' associations and supranational bodies, who feared it would allow for the intimidation of magistrates and other abuses. The unit remained active in 2021, though the Ciucă government vowed to abolish it by March 2022.

The European Commission has more broadly criticized 2017–19 amendments to laws related to the judiciary branch, warning that the amendments have affected the branch's effectiveness and independence. In September 2020, the Justice Ministry introduced proposed amendments to those laws, prompting a six-month public consultation period. In March 2021, the Justice Ministry submitted new draft amendments to the Superior Council of Magistracy.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The law provides safeguards against arbitrary arrest and detention, which are generally respected. However, the right to a fair and timely trial is often undermined by institutional problems including corruption, political influence, staffing shortages, and inefficient resource allocation. Many government officials and lawmakers have retained their positions despite criminal indictments or convictions by exploiting such systemic weaknesses. The hearing of noncriminal matters was slowed down for part of 2021 due to pandemic-related restrictions.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population faces no major threats to physical security, but prisons and detention centers feature harsh conditions, and the abuse of detainees by police and fellow prisoners remains a problem.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The law provides broad protections against discrimination based on gender, race, ethnicity, sexual orientation, and other categories. However, people with disabilities, LGBT+ people, Roma, and HIV-positive children and adults face discrimination in education, employment, medical-service provision, and other areas. In July 2021, the AUR announced that it was drafting a bill that would restrict the discussion of sexual orientation or identity in educational settings; it and the UDMR later committed to introducing such a bill.

The constitution guarantees women equal rights, but gender discrimination remains a problem in many aspects of life.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Citizens generally face no significant restrictions on freedom of movement, whether for internal or external travel, and can freely change their place of employment or education. Romanians returning to the country were sometimes subject to quarantine or isolation rules which loosened as 2021 progressed.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are protected by law, but despite significant progress, the country has struggled to adjudicate restitution claims for property confiscated during the communist era. Bureaucratic barriers, corruption, and broader weaknesses in the rule of law hamper private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While personal social freedoms are generally protected, domestic violence remains a serious problem, and laws meant to combat it are poorly enforced. Same-sex marriages are not permitted under Romanian law. However, in 2018, the Constitutional Court recognized the residency rights of same-sex couples married elsewhere, provided that one spouse is an EU citizen.

Some political actors employ antigay rhetoric to galvanize conservative parts of society against political adversaries. The AUR, which entered Parliament in 2020, engages in anti-LGBT+ rhetoric.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides basic protections against exploitative working conditions, though they are unevenly enforced, particularly in the large informal economy. Economic opportunity varies widely between urban and rural areas, and such disparities limit social mobility for some. Human trafficking for the purpose of forced labor and prostitution remains a serious problem. Women and Roma children are especially vulnerable to forced begging.

Russia

Population: 145,800,000

Capital: Moscow

Freedom Status: Not Free

Electoral Democracy: No

Overview: Power in Russia's authoritarian political system is concentrated in the hands of President Vladimir Putin. With loyalist security forces, a subservient judiciary, a controlled media environment, and a legislature consisting of a ruling party and pliable opposition factions, the Kremlin is able to manipulate elections and suppress genuine dissent. Rampant corruption facilitates shifting links among state officials and organized crime groups.

KEY DEVELOPMENTS IN 2021

- The arrest and detention of leading opposition figure Aleksey Navalny in January resulted in some of the largest protests in a decade. Authorities used excessive force against the demonstrators, and more than 11,500 people were detained.
- The September elections for the Duma, the lower house of parliament, were marked by extensive irregularities, according to election observers and independent media. The official results left the ruling United Russia party with a substantial supermajority.
- Authorities significantly expanded existing legal restrictions on "undesirable" and "extremist" organizations as well as "foreign agents," contributing to an increase in censorship of the internet and social media and culminating in the forced closure of the respected human rights organization Memorial International.
- Russia continued to experience a severe outbreak of COVID-19, with more than 10 million confirmed cases and 300,000 deaths, according to official statistics; independent experts argued that those figures were artificially low. Low vaccination rates in the country were attributed in part to lack of trust in the government.

POLITICAL RIGHTS: 5 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The constitution establishes a strong presidency with the power to dismiss and appoint, pending parliamentary confirmation, the prime minister. The president is elected for as many

as two consecutive six-year terms. Constitutional amendments approved in 2020 allow Putin, but not future presidents, to run for an additional two consecutive terms as president, potentially extending his rule to 2036.

As with past elections, President Putin's 2018 reelection campaign benefited from advantages including preferential media treatment, numerous abuses of incumbency, and procedural irregularities during the vote count. His most influential rival, Aleksey Navalny, was disqualified before the campaign began due to a politically motivated criminal conviction, creating what the Organization for Security and Co-operation in Europe (OSCE) called "a lack of genuine competition." The funding sources for Putin's campaign were also notably opaque.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The Federal Assembly consists of the 450-seat State Duma and an upper chamber, the Federation Council. The 2020 constitutional amendments altered the makeup of the Federation Council to include: two representatives from each of Russia's 85 regions (including two regions in the Russian-occupied Ukrainian territory of Crimea), with half appointed by governors and half by the regional legislatures, usually with strong federal input; former presidents, who are lifetime members; and no more than 30 "representatives of the Russian Federation," appointed by the president, of whom no more than seven can be appointed for life. The rest of the Federation Council's members are appointed for six-year terms.

Half of Duma members are elected by nationwide proportional representation, and the other half are elected in single-member districts, with all serving five-year terms. Electoral rules are designed to benefit the ruling party, United Russia.

In the 2021 Duma elections, United Russia won 324 seats, maintaining its supermajority. The main Kremlin-approved opposition parties—the Communist Party, A Just Russia, the Liberal Democratic Party of Russia (LDPR), and the New People party—won the bulk of the remainder, totaling 118 seats. Three smaller parties and five independents garnered 8 seats. The Central Election Commission reported a voter turnout of 52 percent, up from 48 percent in 2016. The election took place over three days, and Russians were permitted to use an opaque online voting system for the first time.

The OSCE was unable to send an observation mission due to new government-imposed restrictions on the number of observers. The Russian election-monitoring group Golos and independent media reported numerous violations, including vote buying, pressure on voters, "clone" candidates, and ballot stuffing. Under pressure from the authorities, Apple and Google removed the Navalny-backed Smart Voting mobile application from their online stores; the app was designed to inform citizens on how to avoid splitting the opposition vote in their respective districts. Some opposition candidates were not permitted to register, including associates of Navalny's organization. In Moscow, early results showed challengers to United Russia leading in several districts, but pro-Kremlin candidates were later declared the victors in each of these districts after delayed online-voting results were released, prompting further accusations of fraud.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Russia's electoral system is designed to maintain the dominance of United Russia. The authorities make frequent changes to electoral laws and the timing of elections in order to secure advantages for their preferred candidates. Opposition candidates have little chance of success in appealing these decisions, or in securing a level playing field.

In 2020, Putin signed a law permitting the use of electronic voting across Russia, raising concerns about the security and secrecy of ballots in the 2021 Duma polls and other future elections. Also that year, the president signed a law allowing a three-day voting period in future elections; critics argued that the expanded timeframe increased officials' ability to manipulate electoral outcomes.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The multiparty system is carefully managed by the Kremlin, which tolerates only superficial competition against the ruling party. A 2012 law liberalized party registration rules, allowing the creation of hundreds of new parties. However, none posed a significant political threat to the authorities, and many seemed designed to encourage division and confusion among the opposition. The Justice Ministry has repeatedly refused to register Navalny's political party. In June 2021, Navalny's Anti-Corruption Foundation (FBK) was declared an extremist organization, effectively preventing anyone associated with it from running for office.

Three new parties met a voting threshold in the 2020 local elections that would allow them to qualify for the 2021 Duma elections: New People, For Truth, and Green Alternative. In practice, each has links to the ruling party, allowing Kremlin-friendly political figures to distance themselves from the increasingly unpopular United Russia and siphon off voters who might otherwise support genuine opposition parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Russia has never experienced a democratic transfer of power between rival groups. Putin, then the prime minister, initially received the presidency on an acting basis from the retiring Boris Yeltsin at the end of 1999. He served two four-year presidential terms from 2000 to 2008, then remained the de facto paramount leader while working as prime minister until he returned to the presidency in 2012, violating the spirit if not the letter of the constitution's two-term limit. A 2008 constitutional amendment extended presidential terms to six years, and a 2020 amendment allowed Putin to run for an additional two terms, meaning he could remain in office until 2036.

Opposition politicians and activists are frequently targeted with fabricated criminal cases and other forms of administrative harassment designed to prevent their participation in the political process. Navalny was poisoned with a toxic nerve agent in August 2020 while he was investigating corruption and campaigning in Siberia, with evidence later emerging that the attack was carried out by the Federal Security Service (FSB). He had to be evacuated to Germany to prevent the authorities from interfering with his treatment, and he was arrested upon his return in January 2021 for violating probation, receiving a prison term in February.

Legislation enacted in June 2021 banned individuals associated with extremist organizations from running for election. The Central Election Commission subsequently disqualified a number of candidates who were accused of extremism or association with undesirable organizations. Other opposition activists were sentenced to prison or fled the country due to charges they said were politically motivated. Among other new restrictions, Russian citizens who hold a second citizenship or a foreign residence permit, and people who have been found guilty of one of 400 criminal and administrative offenses, were unable to run for

office as of 2021. In June, Golos reported that around nine million Russians, or nearly one in 10 adults, had effectively been denied the right to run for any public office.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Russia's numerous security agencies work to maintain tight control over society and prevent any political challenges to the incumbent regime. The country's leadership is also closely intertwined with powerful business magnates who benefit from government patronage in exchange for political loyalty and various forms of service. The Russian Orthodox Church similarly works to support the status quo, receiving financial support and a privileged status in return. Recent reports from the Riga-based online news outlet Meduza, echoing other research, have shown that many employers—particularly in the public sector—pressure their employees to vote, partly to deliver the government's desired level of voter turnout.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The formation of parties based on ethnicity or religion is not permitted by law. In practice, many regions inhabited by distinct ethnic groups are carefully monitored and controlled by federal authorities. Most republics in the restive North Caucasus area and some autonomous districts in energy-rich western Siberia have opted out of direct gubernatorial elections; instead, their legislatures choose a governor from candidates proposed by the president.

Women are underrepresented in politics and government. As of 2021, they held less than a fifth of the seats in the State Duma and the Federation Council. Only about a tenth of cabinet members are women, and many issues of importance to women are not prominent in Russian politics.

Constitutional amendments that were approved in the 2020 referendum and enacted in April 2021 formally defined marriage as a union between a man and a woman, both reflecting and deepening the systemic challenges LGBT+ people face in pursuing their political interests.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Russia's authoritarian president dominates the political system, along with powerful allies in the security services and the business sector. These groups effectively control the output of the parliament, which is not freely elected. The 2020 constitutional amendments formalized the power of the president over the legislature and allow Putin to retain the presidency until 2036, demonstrating his ability to manipulate the system. In 2021, the parliament passed a series of bills designed to increase political centralization at the expense of regional autonomy. However, the federal authorities have limited ability to impose policy decisions in Chechnya, where Chechen leader Ramzan Kadyrov has been granted unchecked power in exchange for violently suppressing dissent and keeping the republic within the Russian Federation.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption in the government and the business world is pervasive, and a growing lack of accountability enables officials to engage in malfeasance with impunity. Many analysts

have argued that the political system is essentially a kleptocracy, a regime whose defining characteristic is the plunder of public wealth by ruling elites. Some of these elites openly work to fulfill President Putin's policy aims and receive government contracts and protection from prosecution in return for their loyalty.

C3. Does the government operate with openness and transparency? 1 / 4

There is little transparency and accountability in the day-to-day workings of the government. Decisions are adopted behind closed doors by a small group of individuals whose identities are often unclear to the public, and are announced to the population after the fact.

CIVIL LIBERTIES: 14 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

Although the constitution provides for freedom of speech, vague laws on extremism grant the authorities great discretion to crack down on any speech, organization, or activity that lacks official support. The government controls, directly or through state-owned companies and friendly business magnates, all of the national television networks and many radio and print outlets, as well as most of the media advertising market. A handful of independent outlets still operate, most of them online and some headquartered abroad. The few still based in the country struggle to maintain their independence from state interests. Television remains the most popular source of news, but its influence is declining, particularly among young people who rely more on social media.

Laws on extremism, foreign agents, and undesirable organizations have been used to harass media outlets, curtailing their access to funding and forcing many to cease operations in Russia. In late 2020, legislators expanded the foreign agents law to apply to individuals and informal organizations. Authorities cracked down on journalists who reported on protest events in 2021, for example by arresting editors at the student-led newspaper *Doxa*. Also during the year, a number of prominent independent media outlets were declared foreign agents, including Meduza, VTimes, Dozhd, OVD-Info, Mediazona, and iStories. Roskomnadzor, the federal media and telecommunications agency, required several media outlets to delete reports by the investigative news outlet Proekt, which was declared an undesirable organization in July.

A series of new laws that have gone into effect since 2020 require social media networks to take down "illegal" content, fine websites that fail to block illegal content, and enforce prison sentences for online "libel," among other provisions. In the weeks following the introduction of these laws, Roskomnadzor issued warnings and fines to TikTok, VKontakte, Odnoklassniki, YouTube, Twitter, Facebook, and Instagram for failing to block posts that allegedly encouraged minors to participate in protests. In December, a court fined Google \$100 million for failure to delete banned content. Activists have also been fined and jailed for allegedly promoting extremist content on social media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Freedom of religion is upheld unevenly. A 1997 law on religion gives the state extensive control and makes it difficult for new or independent groups to operate. The Russian Orthodox Church has a privileged position, working closely with the government on foreign and domestic policy priorities. Antiterrorism legislation approved in 2016 grants authorities the power to suppress religious groups that are deemed extremist.

The Jehovah's Witnesses were declared an extremist organization in 2017, leading to a protracted campaign against worshippers marked by surveillance, property seizures, arrests,

and torture. Since the ban, more than 500 Jehovah's Witnesses have been charged with or convicted of extremism. In October 2021, however, the Supreme Court ruled that authorities could not prosecute adherents merely for individual or collective worship, requiring additional evidence of extremist activity.

Many Muslims have been detained in recent years for alleged membership in banned Islamist groups, including Hizb ut-Tahrir.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The higher education system and the government-controlled Academy of Sciences are hampered by bureaucratic interference, state-imposed international isolation, and increasing pressure to toe the Kremlin line on politically sensitive topics, though some academics still express dissenting views. A number of universities have banned student and faculty participation in antigovernment rallies or threatened students with expulsion should they participate. Educators have also been fired for attending or sharing information about protests on social media.

A law enacted in April 2021 requires educators and academics to receive permission from authorities for public "educational activities" and partnerships involving foreign scholars. In July, US-based Bard College became the first foreign institution of higher education to be designated as an undesirable organization in Russia. In October, the FSB announced that individuals who work on military technology and related issues and share even nonsecret information with foreigners could be named as foreign agents.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Pervasive, hyperpatriotic propaganda and political repression—particularly since Russian forces' invasion of Ukraine in 2014—have had a cumulative impact on open and free private discussion, and the chilling effect is exacerbated by growing state efforts to control expression on the internet.

In recent years, authorities have adopted a series of laws that impose fines or prison sentences for insulting the state, spreading false news, committing libel, and using social media to discuss the personal information of judges and law enforcement officials or to share information on corruption. These and other laws are actively enforced to punish and deter expressions of dissent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (-1)

E1. Is there freedom of assembly? 0 / 4 (-1)

The government restricts freedom of assembly. Overwhelming police responses, the excessive use of force, routine arrests, and harsh fines and prison sentences have discouraged unsanctioned protests, while pro-Kremlin groups are able to demonstrate freely. Despite the risks, thousands of people have turned out for a series of antigovernment demonstrations in recent years.

It is extremely difficult for groups opposing the Kremlin to obtain permission to hold a protest or rally. At the regional level, extensive location-based restrictions prohibit assemblies in as much as 70 percent of public space. While some of these restrictions have been invalidated over the years, authorities can ban rallies on vaguely defined "public interest" grounds. Since 2014, nine major legislative amendments have been introduced to curtail freedom of assembly. Some protesters have resorted to single-person pickets to circumvent limits on mass gatherings, but authorities have used a variety of laws and tactics to crack down on the practice in recent years.

The government has invoked public health concerns to tighten restrictions on assembly during the COVID-19 pandemic, but the rules are selectively applied to target critics of the regime.

In early 2021, mass demonstrations in response to the arrest and imprisonment of Aleksey Navalny were met with excessive force by state security personnel. At least 11,500 people were detained, more than 130 criminal investigations were opened, and multiple protesters and journalists were injured, with many reporting beatings and other abuse in custody. Some of those convicted over the subsequent months received multiyear prison sentences. Facial-recognition technology installed in Moscow and several other cities was reportedly used to identify and arrest participants in the protests.

Score Change: The score declined from 1 to 0 because authorities pursued a campaign of retaliation against opposition protesters, arresting thousands of participants, engaging in physical abuse during arrests and in detention, and imposing criminal penalties.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The government has relentlessly persecuted NGOs, particularly those that work on human rights and governance issues. Civic activists are frequently arrested on politically motivated charges.

Authorities impede and block NGO work by requiring groups that receive foreign support and are deemed to engage in broadly defined “political activity” to register as “foreign agents.” This designation, which is interpreted by much of the Russian public as denoting a foreign spying operation, entails onerous registration requirements, obliges groups to tag their materials with a “foreign agent” label, and generally makes it extremely difficult for them to pursue their objectives. Under amendments adopted in late 2020, authorities can designate individuals and informal organizations as foreign agents. Those who fail to comply with the law risk fines or prison time.

In June 2021, the president signed laws that made it easier to open criminal cases for alleged affiliation with “undesirable” organizations and banned individuals affiliated with “extremist” organizations from seeking public office. As of December 2021, the Ministry of Justice had listed 86 NGOs and public associations, 36 media outlets, and 75 individuals as foreign agents. Separately, a total of 48 organizations had been deemed “undesirable.” That month, Russia’s Supreme Court ordered the closure of Memorial International, one of Russia’s most well-respected human rights organizations, on the grounds that it had repeatedly failed to meet the requirements of the foreign agents legislation.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While trade union rights are legally protected, they are limited in practice. Strikes and worker protests have occurred in prominent industries, including automobile manufacturing, but antiunion discrimination and reprisals are common. Employers often ignore collective bargaining rights. The largest labor federation works in close cooperation with the Kremlin, though independent unions are active in some industrial sectors and regions.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary lacks independence from the executive branch, and judges’ career advancement is effectively tied to compliance with Kremlin preferences. The Presidential Personnel Commission and court chairpersons control the appointment of the country’s judges,

who tend to be promoted from inside the judicial system rather than gaining independent experience as lawyers. The 2020 constitutional amendments empowered the president to remove judges from the Constitutional Court and the Supreme Court, with the support of the Federation Council, further damaging the judiciary's already negligible autonomy.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Safeguards against arbitrary arrest and other due process guarantees are regularly violated, particularly for individuals who oppose or are perceived as threatening to the interests of the political leadership and its allies. Many Russians have consequently sought justice from international courts, but a 2015 law authorizes the Russian judiciary to overrule the decisions of such bodies, and it has since done so on a number of occasions. In December 2021, the president signed legislation that granted police broader authority to break into homes and vehicles and search personal belongings without a warrant. While arbitrary arrests are rarely punished, a court in May sentenced five former police officers to prison terms for the 2019 arrest of journalist Ivan Golunov on fabricated drug charges.

Memorial Human Rights Center counted 410 people as political prisoners as of August 2021, with 329 of them held in connection with the exercise of religious freedom. Those counted included opposition leader Aleksey Navalny along with several of his supporters, journalists, and potential opposition candidates for the 2021 parliamentary elections.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Use of excessive force by police is widespread, and rights groups have reported that law enforcement agents who carry out such abuses have deliberately employed electric shocks, suffocation, and the stretching of a detainee's body so as to avoid leaving visible injuries. Prisons are overcrowded and unsanitary; inmates lack access to health care and are subject to abuse by guards. In 2021, lawyers for Navalny reported that he had been subjected to sleep deprivation and denied medical treatment while in prison.

Parts of the country, especially the North Caucasus, suffer from high levels of violence; targets include officials, Islamist insurgents, and civilians. Chechen leader Ramzan Kadyrov has been accused of using abductions, torture, extrajudicial killings, and other forms of violence to maintain control. This activity sometimes extends to other parts of Russia and foreign countries, where Kadyrov is suspected of arranging the assassination of asylum seekers and political opponents living in exile.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Immigrants and ethnic minorities—particularly those who appear to be from the Caucasus or Central Asia—face governmental and societal discrimination and harassment. Constitutional amendments establish the primacy of the Russian language within the state, favoring ethnic Russians by implication.

LGBT+ people are also subject to considerable discrimination. A federal law banning the dissemination of information on “nontraditional sexual relationships” has been in force since 2013, making public discussion of homosexuality illegal.

Chechnya remains particularly dangerous for LGBT+ people, with authorities launching a crackdown in 2019 that ensnared nearly 40 people; two of the detainees reportedly died after they were tortured by police. In 2021, police arrested and forcibly returned to Chechnya individuals who were associated with LGBT+ organizations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The government places some restrictions on freedoms of movement and residence. Adults must carry internal passports while traveling and to obtain many government services. Some regional authorities impose registration rules that limit the right of citizens to choose their place of residence, typically targeting members of ethnic minorities and migrants from the Caucasus and Central Asia. Most Russians are free to travel abroad, but more than four million employees tied to the military and security services were banned from foreign travel under rules issued in 2014.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

State power and private property are intimately connected, with senior officials often using their government positions to amass vast property holdings. State takeovers of key industries and large tax penalties imposed on select companies after dubious legal proceedings have illustrated the precarious nature of property rights under Putin's rule, especially when political interests are involved. Private businesses more broadly are routinely targeted for extortion or expropriation by law enforcement officials and organized criminal groups.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Constitutional amendments approved in 2020 define marriage as a union between a man and a woman; the changes were formally adopted in April 2021, effectively barring any future law recognizing same-sex marriage.

Domestic violence receives little attention from the authorities. Instead, survivors who kill their abusers in self-defense are commonly imprisoned; as many as 80 percent of women imprisoned in Russia may fall under this category. A 2017 law decriminalized acts of domestic violence that do not result in permanent physical harm. The measure also relieved police of the obligation to initiate cases, transferring that burden to survivors. During Russia's COVID-19 lockdown in 2020, Russian NGOs reported a doubling of domestic violence cases, while official police statistics reported a decrease. In December 2020, the Justice Ministry listed the NGO Nasiliu.net, which fights gender-based violence, as a "foreign agent." In April 2021, the Constitutional Court called on lawmakers to strengthen victim protections as well as penalties for repeat offenders.

Residents of certain regions, particularly in the North Caucasus, face tighter societal restrictions on personal appearance and relationships, and some so-called honor killings have been reported. In Chechnya, Kadyrov has spoken in favor of polygamy and sought to compel divorced couples to remarry.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Legal protections against labor exploitation are poorly enforced. Migrant workers are often exposed to unsafe or exploitative working conditions. Both Russians facing economic hardship and migrants to Russia from other countries are vulnerable to sex and labor trafficking. The US State Department's 2021 *Trafficking in Persons Report* criticized the government's lack of significant efforts to address trafficking. While it acknowledged the government's extension of work and residence permits for foreign workers in response to the COVID-19 pandemic, its identification of some victims, and other positive steps, the report found that the government records a far lower number of trafficking victims than the

estimated scope of the problem would suggest, and that the state is actively complicit in the forced labor of North Korean workers. Trafficking victims are routinely detained, deported, and prosecuted for activity they were forced to participate in.

Rwanda

Population: 13,300,000

Capital: Kigali

Freedom Status: Not Free

Electoral Democracy: No

Overview: The Rwandan Patriotic Front (RPF), led by President Paul Kagame, has ruled the country since 1994, when it ousted forces responsible for that year's genocide and ended a civil war. While the regime has maintained stability and economic growth, it has also suppressed political dissent through pervasive surveillance, intimidation, torture, and renditions or suspected assassinations of exiled dissidents.

KEY DEVELOPMENTS IN 2021

- Political opposition figure Paul Rusesabagina, who had lived abroad until he was forcibly repatriated by Rwandan authorities in 2020, was sentenced to 25 years in prison on terrorism and other charges in September after a trial that lacked due process.
- Draconian lockdowns related to the COVID-19 pandemic were generally eased during the year, though some restrictions remained in place or were reimposed by December.
- The Kagame regime continued its attempts to silence political opponents, with suspicious murders or disappearances reported abroad and further detentions of and threats against journalists, bloggers, and artists occurring within the country.

POLITICAL RIGHTS: 8 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Rwanda's 2003 constitution grants broad powers to the president, who has the authority to appoint the prime minister and dissolve the bicameral Parliament. Amendments passed in 2015 retained a two-term limit for the presidency and shortened terms from seven to five years. The changes also explicitly stated, however, that incumbent Paul Kagame was eligible for an additional seven-year term, after which he could run for two of the new five-year terms. This would extend Kagame's rule until 2034.

Kagame easily won the 2017 presidential election, taking 98.8 percent of the vote, according to official results. Frank Habineza of the Democratic Green Party of Rwanda (DGPR) and independent Philippe Mpayimana split the remainder. The electoral process was marred by numerous irregularities, including political intimidation, unfair registration practices, and alleged fraud during the balloting itself.

The National Electoral Commission (NEC) blocked the candidacies of other would-be challengers, including independent and Kagame critic Diane Rwigara, who was barred from running on the grounds that some of the required signatures she had collected were

invalid. She claimed that her followers were harassed and jailed as they attempted to gather signatures. The government also orchestrated a campaign of media smears and intimidation against Rwigara, who was subsequently arrested along with her mother and sister.

Local authorities impeded the electoral campaigns of opposition presidential candidates, and some citizens were coerced into joining RPF rallies and voting for Kagame. Rwandans were also made to attend camps and listen to RPF propaganda, while local authorities tasked traditional leaders with persuading their communities to vote for Kagame. Access to the media and the content of electoral coverage were both skewed in favor of the RPF.

On election day, observers reported ballot stuffing, poll workers showing favoritism toward the RPF, and denial of access to the vote-counting process, among other violations. Ballot secrecy was not always respected.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 26-seat Senate, the upper house of Parliament, consists of 12 members elected by regional councils; 8 appointed by the president; 4 chosen by the National Consultative Forum for Political Organizations (NCFPO), a public body meant to promote political consensus; and 2 elected by faculty at universities. Senators' terms were shortened from eight to five years as part of the 2015 constitutional reform. The 80-seat Chamber of Deputies, the lower house, includes 53 directly elected members, 24 women chosen by local councils, 2 members from the National Youth Council, and 1 member from the Federation of Associations of the Disabled, all serving five-year terms.

Six incumbent senators who had served eight-year terms were replaced in 2020; four were appointed by Kagame, and two were selected by the NCFPO.

The RPF dominated the Chamber of Deputies elections held in 2018, capturing 40 of the 53 elected seats. The DGPR gained 2 seats, marking the first time a genuine opposition party had won representation in Parliament. Three other parties allied with the RPF—the Social Democratic Party, the Liberal Party, and the Social Party—won 5, 4, and 2 seats respectively. As with other elections in recent years, the government's repression of legitimate opposition parties and strict control of the media helped to ensure an overwhelming victory for the RPF.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral laws are not impartially implemented by the NEC, whose members are proposed by the government and appointed by the RPF-dominated Senate. Rwandan elections routinely feature unfair barriers to registration, campaigning, poll monitoring, and media access for opposition parties and candidates, among other problems.

The 2015 constitutional amendments were adopted through a flawed petition and referendum process. Rights groups and news organizations cited reports that some signatures on the petition were not given voluntarily. The details of the amendments were not widely distributed or discussed ahead of the referendum, in which 98 percent of voters signaled their approval, according to the NEC. The government limited the political activities of groups opposed to the amendments, and the referendum was not monitored by any independent international observer groups.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The government-controlled Rwanda Governance Board (RGB) is responsible for registering political parties. In practice it can deny registration at its discretion without proper justification.

The government has a long history of repressing its political opponents, and members of opposition parties face the threat of disappearance, arbitrary arrest and detention, and assassination. Diane Rwigara, who sought to contest the 2017 presidential election, was arrested and imprisoned that year, along with her mother and sister, on multiple charges. The charges against her sister were dropped; Rwigara and her mother were released on bail in 2018 and acquitted later that year. Separately, several members of the Dafa-Umurinzi party, led by 2010 presidential candidate Victoire Ingabire, were convicted in 2020 of involvement with an “irregular armed force” and “offenses against the state,” receiving prison terms ranging from 7 to 10 years. One defendant who was acquitted, Venant Abayisenga, was reported missing later that year and was believed to have been forcibly disappeared or killed.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The RPF has ruled Rwanda without interruption since 1994, banning and repressing any opposition group that could mount a serious challenge to its leadership. All registered parties currently belong to the NCFPO. While the DGPR won two parliamentary seats in 2018, current conditions generally prevent it from gaining further positions of authority or increasing its support to the point where it can viably compete with the RPF.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Both voters and candidates face significant intimidation aimed at controlling their political choices. Rwandans living outside the country have been threatened, attacked, forcibly disappeared, or killed, apparently in retaliation for their public or suspected opposition to the regime.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The constitution calls on the president to ensure “representation of historically marginalized communities” in the Senate through his appointees. However, asserting one’s ethnic identity in politics is banned, meaning the level of representation is unclear. The prohibition on discussion of ethnicity makes it nearly impossible for disadvantaged groups—including the Twa, an Indigenous group—to organize independently and advocate for their interests.

The constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament. While women currently hold more than 38 percent of Senate seats and about 61 percent of the lower house seats, they have little practical ability to engage in politics outside the RPF structure. The promotion of gender equity disproportionately privileges English-speaking Tutsis over French-speaking Hutus and rural Tutsis. Societal discrimination, as well as the regime’s general repression of dissent, prevents LGBT+ Rwandans from freely pursuing their communities’ political interests.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Government policy is largely set and implemented by the executive branch, with the security and intelligence services playing a powerful role, and the president is not freely

elected. Parliament, which generally lacks the independence to serve as a check on executive authority, tends to merely endorse presidential initiatives.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The government takes measures to limit corruption, including regular dismissals and prosecutions of low-level officials who are suspected of malfeasance. In 2018, Parliament passed penal code revisions that expanded the list of corruption-related crimes and increased penalties for those convicted. In 2019, several mayors and other local officials resigned or were dismissed for alleged corruption and other misconduct, though the lack of transparency surrounding the cases made it difficult to assess whether any of them were politically motivated. In 2021, Rwanda's Office of the Ombudsman launched investigations following a civil society report that found corruption in the public procurement and infrastructure sectors.

Despite these actions, graft remains a problem, and only a few independent organizations or media outlets are able to investigate or report on corruption issues due to the risk of government reprisals.

C3. Does the government operate with openness and transparency? 1 / 4

While a 2013 law provides for public access to government information, implementation has been weak. Data published on Sobanukirwa, a website created by the government to ease the process of requesting access to documents, suggest that only a small fraction of requests result in positive and timely responses. Given the government's active repression of any dissent in recent years, citizens do not have the ability in practice to obtain information about state operations, nor do they have a meaningful opportunity to comment on policy without the threat of punishment.

CIVIL LIBERTIES: 14 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

While the constitution nominally protects freedom of the press, the government imposes legal restrictions and informal controls on the media, and most outlets practice self-censorship. The few journalists in the country who engage in independent reporting are subject to criminal charges and intimidation. The penal code revisions passed in 2018 criminalized cartoons and writings that "humiliate" Rwandan leaders, but also decriminalized defamation, which the Rwanda Journalists Association considered an improvement to the highly restrictive legal framework.

Many Rwandan journalists have fled the country and work in exile. Due in part to this phenomenon, the government has increasingly blocked access to news services and websites based abroad. The British Broadcasting Corporation's Kinyarwanda-language service has been suspended in the country since 2014.

Authorities continued to target journalists and bloggers—particularly those broadcasting via the online video platform YouTube—for intimidation, arrest, or prosecution during 2021, using a broad interpretation of media laws that allow them to restrict content that is deemed offensive, false, or contrary to public safety and public morals.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Religious freedom has historically been respected, but the government has recently taken steps to assert greater control over religious institutions. Over the past several years,

authorities have shut down Pentecostal churches and some mosques, banned mosques in Kigali from broadcasting the call to prayer, passed a law requiring religious leaders to obtain a theology degree before establishing churches, mandated that religious organizations report grants to the RGB, and required that donations to faith-based groups be deposited in Rwandan banks. Jehovah's Witnesses face arrest for refusing to participate in security duties or oath-taking involving the national flag.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government restricts academic freedom by enforcing official views on the genocide and other sensitive topics. Any critical discussion of the RPF's actions during the war or its politicization of memorialization projects is heavily policed. Scholars and students are subject to suspension for "divisionism" and engage in self-censorship to avoid such penalties.

In 2019, the government announced that primary schools would conduct lessons in English, even though most of the population speaks Kinyarwanda. French-speaking students and educators could also be disadvantaged by the decision. School closures related to the COVID-19 pandemic delayed enforcement of the new policy during 2020, but implementation began in early 2021 as schools reopened.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

The space for free private discussion is limited in part by indications that the government monitors personal communications. Social media are heavily monitored, and the law allows for government hacking of telecommunications networks. In 2019, WhatsApp disclosed that its messaging service had been exploited to target Rwandan dissidents with Pegasus, a suite of surveillance software. Rwandan authorities have also used mobile data and geolocation tools as part of their response to COVID-19.

In addition to electronic surveillance, the authorities reportedly use informants to infiltrate civil society, further discouraging citizens from voicing dissent. Individuals have been forcibly disappeared, arrested, detained, and assassinated for expressing their views. Innocent Bahati, a poet known for reciting his social commentary on YouTube, went missing in February 2021; his location and condition remained unknown at year's end.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Although the constitution guarantees freedom of assembly, this right is strictly limited in practice. Fear of arrest or police violence serves as a deterrent to protests, and gatherings are sometimes disrupted even when organizers obtain official authorization. Public gatherings have been restricted to varying degrees during the COVID-19 pandemic, with those deemed to be in violation of the rules facing arrest and possible mistreatment in custody. Nevertheless, some officially sanctioned events proceeded peacefully during 2021. LGBT+ activists organized Rwanda's first pride celebrations in June.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Registration and reporting requirements for both domestic and foreign nongovernmental organizations (NGOs) are onerous, and activities that the government defines as divisive are prohibited. Many organizations receive funds from the RGB, which challenges their independence. Several NGOs have been banned in recent years, leading

others to self-censor. The government has been accused of employing infiltration tactics against human rights organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike, but free collective bargaining and strikes are limited by binding arbitration rules and rare in practice. Public-sector workers and employees in broadly defined “essential services” are generally not allowed to strike. Enforcement of rules against antiunion discrimination is weak. The country’s largest union confederation has close ties to the RPF, and the government allegedly interferes in union elections.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 0 / 4

The Rwandan judiciary lacks independence from the executive. Top judicial officials are appointed by the president and confirmed by the RPF-dominated Senate. Judges rarely rule against the government in politically sensitive cases.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The police and military regularly engage in arbitrary arrests and detentions, targeting opposition figures and dissidents as well as homeless people, street vendors, and suspected petty criminals. A 2017 Human Rights Watch (HRW) report detailed a system of secret unlawful detention at military facilities for suspected members of armed rebel groups or exiled opposition factions. Such detainees are allegedly denied basic due-process rights, and many who are later brought to trial are convicted based on coerced confessions.

Children facing homelessness, gay and transgender people, and sex workers in Kigali were arbitrarily detained and held in poor conditions in the months before the city was scheduled to host a high-profile international conference in June 2021.

The government is known to pursue arbitrary detentions of political opponents living in exile. In August 2020, Rwandan authorities effectively abducted Paul Rusesabagina—a Belgian citizen, US resident, and regime critic known for sheltering hundreds of people during the genocide—while he was visiting the United Arab Emirates. Upon arrival in Rwanda, he was immediately arrested and charged with supporting terrorism due to his leadership role in the opposition Rwanda Movement for Democratic Change (MRCD) and alleged links to the group’s armed wing. In September 2021, Rusesabagina was found guilty and sentenced to 25 years in prison after a trial that lacked due process. Among other violations, the authorities reportedly intercepted privileged correspondence between Rusesabagina and his lawyers.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Both ordinary criminal suspects and political detainees are routinely subjected to torture and other ill-treatment in custody. Extrajudicial executions of suspected criminals by security personnel still occur with some frequency. Disappearances, physical assaults, arbitrary detention, and assassinations targeting journalists, opposition members, and other regime critics are commonly reported. In 2021, at least three regime critics were assassinated or forcibly disappeared abroad.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Equal treatment for all citizens under the law is guaranteed, and there are legal protections against discrimination. However, the Tutsi minority group is often accused of receiving preferential treatment for high-ranking jobs and university scholarships under the pretext of an affirmative action program for “genocide survivors.” English-speaking Tutsis are overrepresented in government. Members of the Hutu majority, who represent 85 percent of the population, face unofficial discrimination when seeking public employment or scholarships. The Twa, meanwhile, continue to suffer from de facto disadvantages in education, employment, and health care.

While women enjoy broad legal equality and have a significant presence in the economy as workers and business owners, gender-based discrimination persists, and gender-equality efforts have largely favored English-speaking Tutsis.

Same-sex activity is not criminalized in Rwanda, though LGBT+ people face strong social stigma. No laws specifically provide protection against discrimination based on sexual orientation or gender identity, and police can arrest individuals using public morality laws.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4 (+1)

An easily obtainable national identity card is required to move within the country. However, all government officials must receive approval from the president or prime minister’s office before traveling for personal or professional reasons; some current and former security officials have been arrested for unauthorized travel. Members of opposition groups have also reported restrictions on foreign travel or reentry to Rwanda.

Rwandan authorities introduced COVID-19-related lockdowns and travel restrictions in 2020, and these were abusively enforced, in part through mass arrests affecting tens of thousands of people. Individuals accused of violating mask mandates and curfews, along with those performing essential errands during lockdowns, were routinely detained in stadiums and sometimes forced to attend overnight lectures before being released. Some detainees were denied food, water, and protection from the elements. Conditions improved in 2021, with lockdowns rolled back and schools reopening in February. Some 35,000 people were reportedly arrested in June as restrictions were temporarily reimposed to curb a rise in cases, but the rules were eased again beginning in July. When a new coronavirus variant emerged in December, authorities applied certain limited social-distancing measures only to unvaccinated people.

Score Change: The score improved from 1 to 2 due to an easing of the previous year’s disproportionate and abusively enforced COVID-19 restrictions.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

While the government is generally supportive of economic growth through private business activity, it has been criticized for seizing land for infrastructure and development projects without proper compensation, and for imposing agricultural and land-consolidation policies without adequate input from farmers.

The law grants the same property and inheritance rights to men and women, though women are not always able to assert their rights in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The law generally grants equal rights to men and women regarding marriage and divorce, but informal marriages under customary law, including polygamous unions, lack such protections. Only marriages between a man and a woman are recognized under the country's constitution. The penalties for spousal rape are much lighter than for other forms of rape. Domestic violence remains widespread and seldom reported despite government programs to combat it.

Abortion is a criminal offense unless the pregnancy is the result of rape, incest, or forced marriage, or it poses a health risk. Abortion convictions can lead to significant prison terms. The 2018 penal code revisions removed language requiring all abortions to be approved by a judge, leaving the final decision in the hands of the patient and doctor. In May 2020, 50 women who were jailed for having abortions—six of whom were serving life sentences—were released after receiving presidential pardons. Human rights advocates welcomed the pardons but maintained calls for a liberalization of abortion laws.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Regulations governing wage levels and conditions of work in the formal sector are poorly enforced. Children are trafficked internally for domestic service under abusive conditions, or for commercial sex work, and little effort is made to hold internal traffickers to account. Many children work informally in the agricultural sector. Young Congolese and Burundian refugees are vulnerable to sexual exploitation and coerced recruitment into armed groups linked to Rwandan security forces. While Rwanda has increased prosecutions for transnational trafficking in recent years, the number of investigations and convictions remains low, and victim and witness support programs are lacking.

Samoa

Population: 200,000

Capital: Apia

Freedom Status: Free

Electoral Democracy: Yes

Overview: Samoa has a democratic political system with regular elections, though the same political party had been in government for decades until 2021, and only traditional heads of families are eligible to run as candidates. The judiciary is independent, and civil liberties are generally respected.

KEY DEVELOPMENTS IN 2021

- The April parliamentary elections resulted in a tie between the long-ruling Human Rights Protection Party (HRPP) and the opposition Fa'atuatua i le Atua Samoa ua Tasi (FAST) party, with the outcome decided by a single independent who opted to support FAST.
 - After the elections, the Office of the Electoral Commissioner sought to add an extra seat for the HRPP through its interpretation of the country's gender quota, and the head of state attempted to call fresh elections on the grounds that neither side had a majority, but both moves were struck down by the Supreme Court in May.
 - Although the outgoing government still refused to concede and challenged the legality of the FAST government's swearing-in ceremony, the courts eventually cleared the way for the new government to begin work in July.
-

POLITICAL RIGHTS: 32 / 40 (+2)**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The parliament elects a largely ceremonial head of state every five years; a limit of two terms was adopted through a 2019 constitutional amendment. By custom rather than constitutional requirement, the position is given to one of the country's four paramount chiefs. In 2017, the parliament elected Tuimaleali'ifano Va'aletoa Sualauvi II as head of state.

The head of government is the prime minister, who must have the parliament's support. In the wake of the April 2021 parliamentary elections, Fiamē Naomi Mata'afa of FAST began work as prime minister in July after the courts resolved a lengthy dispute over the legality of her swearing-in ceremony outside the parliament in May.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Under rules that took effect in 2021, the Legislative Assembly consists of 51 members elected in single-member constituencies. If less than 10 percent of the members elected by ordinary means are women, the highest-polling female candidates are declared elected until the required quota is reached. Elections are held every five years.

In the April 2021 elections, the ruling HRPP captured 25 seats, as did the newly formed opposition FAST party. The remaining seat was won by an independent, Tuala Iosefo Ponifasio, who decided to support FAST. However, the Office of the Electoral Commissioner announced an extra seat for the HRPP on the grounds that the five women elected constituted 9.8 percent of the 51 members, short of the required 10 percent. This would give each side 26 seats. Citing the supposed tie, the head of state called for fresh elections.

Both the electoral commissioner's interpretation of the gender quota and the head of state's effort to call snap elections were struck down by the Supreme Court in May. The new parliament was ordered to sit by May 24 to select a new government. The head of state issued the required proclamation, but withdrew it for reasons he did not explain. The Supreme Court then upheld the initial proclamation and declared its withdrawal unlawful. With the incumbent leadership still refusing to concede, the outgoing speaker prevailed upon the parliamentary clerk to lock the doors of the legislature, prompting FAST lawmakers to gather outside the building and participate in Mata'afa's impromptu swearing-in ceremony, which was eventually upheld by the courts in July.

In September, the new FAST government at first refused to swear in the HRPP's members of parliament, on the grounds that they rejected the election outcome and the authority of the new speaker. The Supreme Court stepped in yet again to require the HRPP lawmakers to be sworn into office, and the lengthy constitutional crisis subsequently eased. FAST made further gains in November by-elections, solidifying its governing majority.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The constitutional and legal framework for elections is largely democratic and fairly implemented. However, only *matai* (family heads who hold honorific customary titles) are allowed to stand as candidates. There are currently at least 60,000 matai titles recognized by the Land and Titles Court, though individuals often hold multiple titles. Only about 11 percent of matai titleholders are women. Candidates are also subject to residency and traditional village service requirements. A 1990 reform, supported by a referendum based on universal

suffrage, granted all adult citizens over 21 years of age the right to vote in elections, which had previously been limited to matai.

Legislation adopted in September 2021 allowed absentee voting within Samoa, meaning voters in the imminent by-elections would not have to travel to their home constituencies to cast ballots.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16 (+2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4 (+1)

There are no major constraints on the formation and operation of political parties, but parties must win a minimum of eight seats to qualify for formal recognition within the legislature. The opposition Tautua Samoa Party fell from 13 seats to two after the 2016 elections, leaving the parliament with just one recognized party. However, several other parties registered in the years leading up to the April 2021 elections, including FAST in 2020, and the elections themselves confirmed that there were no significant obstacles to party formation and competition.

Score Change: The score improved from 3 to 4 because several political parties, including the current ruling party, have formed and competed for power in recent years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4 (+1)

There are no obvious obstacles that prevent the opposition from increasing its support and gaining power through elections. The former HRPP government, having been in power since the 1980s, developed an effective campaign machinery during its incumbency, but it harmed its own interests in the 2021 elections by allowing multiple candidates to run in single districts, splitting its vote and facilitating opposition victories.

In 2020, two smaller opposition parties—Tumua ma Puleono and the Samoa National Democratic Party—had announced that they would contest the 2021 elections as an alliance under the FAST banner. The opposition benefited from a number of preelection defections from the HRPP, including that of Fiamē Naomi Mata’afa herself, who had served as a deputy prime minister until September 2020.

Although the HRPP incumbents contested the FAST victory in 2021, the courts ultimately ensured a democratic transfer of power. November 2021 by-elections strengthened the new FAST government, leaving it with 31 seats and the HRPP with 22, including two additional seats granted to HRPP women candidates under the gender quota.

Score Change: The score improved from 3 to 4 because a new political coalition entered government after parliamentary elections, defeating a party that had been in power for decades.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

While voters and candidates are largely free from undue interference with their political choices, traditional village councils consisting of local leaders with matai titles exercise considerable influence through candidate endorsements. Those who use the electoral laws to challenge the councils’ preferred candidates in court have sometimes faced customary penalties such as banishment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While women and members of ethnic minority groups have full voting rights, individuals must hold a matai title in order to qualify as electoral candidates, meaning fewer women are eligible in practice. A sizeable minority of villages still do not allow women to hold matai titles, and few women participate in village council meetings. Members of the fa'afafine community—Samoans who are assigned male gender at birth but have a fluid or feminine gender identity—can also be matai, though they have generally not run as candidates in elections to date.

The 2016 elections marked the first application of the gender quota ensuring that at least 10 percent of parliamentary seats are held by women. If fewer than that number are elected in normal constituency contests, the unsuccessful female candidates with the most votes are awarded additional seats. One extra seat was consequently added to the 2016 parliament, and two were added after the 2021 by-elections.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The prime minister and cabinet determine and implement government policies without improper interference by outside groups, though the restrictive features of the electoral system weaken the democratic credentials of elected officials to some extent, and the reluctance of the new FAST government to swear in opposition members of parliament in the wake of the postelection crisis in 2021 suggested ongoing political dysfunction.

The FAST government encountered considerable resistance from within the senior echelons of the public service, which had long worked closely with the HRPP. The clerk of the Legislative Assembly and the attorney general, both of whom were involved in constitutional crisis, were dismissed in September, as was a top official at the Finance Ministry in August. An August “open letter” from “affected and concerned public servants” criticized their treatment by the new government and was referred to the Public Service Commission.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Independent entities including the Office of the Ombudsman, the Public Service Commission, and law enforcement agencies pursue allegations of corruption by public officials. However, corruption remains a problem and a cause of public discontent, and the government has at times resisted calls for a stronger response.

C3. Does the government operate with openness and transparency? 3 / 4

While the government generally operates with transparency, the effectiveness of the state auditing system remains the subject of public debate, and the country lacks a freedom of information law.

CIVIL LIBERTIES: 51 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Several public and privately owned print and broadcast news outlets operate in Samoa, and internet access has expanded rapidly in recent years. While press freedom is generally respected, politicians and other powerful actors have used libel or defamation suits to respond to critical remarks or stories about them. In 2017, the parliament passed legislation that reintroduced criminal libel, which had been abolished in 2013. Artistic works are also subject to government restrictions; in 2019, the feature film *Rocketman* was banned for depicting same-sex sexual activity, which is illegal in Samoa.

In March 2021, the attorney general threatened an investigation of the *Samoa Observer* in response to its reporting on a possible conflict of interest involving her husband's law firm.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is constitutionally guaranteed and mostly respected in practice. However, a 2017 constitutional amendment shifted references to Samoa being a Christian nation from the constitution's preamble to its body text, meaning it can potentially be used in legal action. There is strong societal pressure at the village level—including from village councils—to participate in the activities of the main local church.

In April and May 2020, the Samoan Law Society and the country's ombudsman expressed concerns that provisions in three government-backed bills—the Constitution Amendment Bill 2020, the Lands and Titles Court Bill 2020, and the Judicature Amendment Bill 2020—could limit religious freedom by removing the Land and Titles Court from the jurisdiction of the Supreme Court, meaning the latter could no longer review decisions on village customary matters that violated individual rights. The bills were subsequently passed in December 2020 and received the head of state's assent in January 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no significant restrictions on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Most Samoans face no serious practical constraints on private discussion or the expression of personal views, though the threat of criminal defamation charges remains a problem for some prominent critics of the government or of powerful individuals.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is protected by law and respected in practice. Beginning in March 2020, the government imposed restrictions on public gatherings in response to the COVID-19 pandemic. Demonstrators nevertheless continued to engage in protests, avoiding the health restrictions in part by organizing processions of vehicles. Among other demonstrations held during 2021, HRPP supporters repeatedly protested unfavorable court rulings during the postelection crisis.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights—and governance-related work? 3 / 4

Nongovernmental organizations (NGOs), including human rights groups, operate freely, though the civil society sector in Samoa remains relatively small and underfunded. For example, the country's only NGO focused on sexual orientation and gender identity issues reported in 2021 that it received no direct government funding and had just one paid staff member.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to form and join trade unions, bargain collectively, and strike. Multiple unions exist, representing both public- and private-sector employees; these are

often called “associations.” The Samoa Workers Congress (SWC) is an umbrella body for all workers’ unions.

Union members’ rights are governed by the constitution and the 2013 Labour and Employment Relations Act; the latter recognizes unions and employees’ roles and rights, the right to collective bargaining, and rights to maternity and paternity leave, and mandates the establishment of a National Tripartite Forum, which provides for workers’ benefits and consults on employment policies and conditions. However, some cultural factors hinder the ability of workers and unions to pursue their rights.

Samoa has ratified the International Labour Organization’s eight fundamental conventions.

F. RULE OF LAW: 14 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent, as demonstrated by its rulings during the postelection crisis in 2021. The head of state, on the recommendation of the prime minister, appoints the chief justice. Other Supreme Court judges are appointed by the head of state on the advice of the Judicial Service Commission, which is chaired by the chief justice and includes the attorney general and a Justice Ministry appointee. Judges typically serve until they reach retirement age and cannot be removed arbitrarily.

The three reform bills adopted in December 2020 featured a number of provisions that could undermine judicial independence and the rule of law. One component would allow the head of state, on the advice of the Judicial Service Commission, to dismiss Supreme Court judges; this had previously required a two-thirds vote in the parliament, which is still required to remove the chief justice. The legislation also separates the judicial system into two distinct and potentially conflicting structures, with one, headed by the Supreme Court, handling civil and criminal matters and the other, the Land and Titles Court, overseeing customary matters including communal land. The Land and Titles Court would have its own appellate body, and individuals would no longer be able to appeal its decisions to the Supreme Court.

In December 2021, the head of the Land and Titles Court appointed Faimalomatumua Mathew Lemisio, who had recently resigned as electoral commissioner, to serve as deputy president of the court. The justice minister challenged the legality of the appointment, citing ambiguities in the new 2020 law governing the court, and the matter remained unresolved at year’s end.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The authorities generally observe due process safeguards against arbitrary arrest and detention, and the courts provide defendants with the conditions necessary for a fair trial. However, village councils settle many disputes, and their adherence to due process standards varies; they have the authority to impose penalties including fines and banishment. The December 2020 legal reforms appeared to eliminate individuals’ ability to appeal village council decisions to the Supreme Court, raising doubts about how conflicts between customary communal authority and the constitutional rights of individuals would be resolved.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Violent crime rates are relatively low. Police officers are occasionally accused of physical abuse. Prisons lack adequate resources, resulting in poor conditions including overcrowding, as well as breakdowns in security.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution prohibits discrimination based on descent, sex, religion, and other categories. The Labour and Employment Relations Act also prohibits discrimination against employees on such grounds as ethnicity, race, color, sex, gender, religion, political opinion, sexual orientation, social origin, marital status, pregnancy, HIV status, and disability. However, these protections are enforced unevenly. In practice women face some discrimination in employment and other aspects of life, and same-sex sexual activity remains a criminal offense for men. Ethnic Chinese residents at times encounter societal bias and restrictions on the location of their businesses.

Fa'afafine were previously subject to a rarely enforced criminal code provision that prohibited the "impersonation" of a woman. A 2013 amendment removed that provision, but fa'afafine and other gender-diverse Samoans continue to face a degree of societal discrimination in practice.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

While there are few constraints on freedom of movement, village councils still occasionally banish individuals from their communities as a penalty for serious violations of their bylaws.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Private business activity is encouraged, and property rights are generally protected, though roughly 80 percent of the country's land is communally owned, meaning it is overseen by matai titleholders and other village leaders. The rest consists of freehold and state-owned land.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While personal social freedoms are generally not restricted by law, domestic violence against women and children is a serious problem. The Crimes Act of 2013 made spousal rape a crime, and the Family Safety Act of 2013 empowers the police, public health officials, and educators to assist victims of domestic violence. Nevertheless, many victims do not report abuse due to strong social biases and fear of reprisal.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Individuals generally enjoy equality of opportunity and fair working conditions. However, most adults engage in subsistence agriculture, and local custom obliges residents to perform some labor on behalf of the community; those who fail to do so can be compelled.

San Marino

Population: 30,000

Capital: San Marino

Freedom Status: Free

Electoral Democracy: Yes

Overview: San Marino is a parliamentary democracy in which political rights and civil liberties are generally upheld. Corruption is a problem, and while investigative journalists are active, the risk of heavy fines for defamation can encourage self-censorship. The country's judicial system is not sufficiently independent and professional. Women are underrepresented in politics.

KEY DEVELOPMENTS IN 2021

- In a September referendum, over 75 percent of voters approved a proposal to legalize abortion up to the 12th week of pregnancy, and in cases that pose a threat to the life or health of the mother. Legislation implementing the referendum results is expected to be enacted in 2022.
- Appellate hearings in the so-called Conto Mazzini corruption case, which first began in 2019, resumed in September. The case involves 17 high-ranking Sammarinese officials, who were convicted of bribery, corruption, money laundering, and vote buying in 2017.
- In December, the parliament approved a number of draft legal amendments intended to strengthen the independence of the judiciary. Legislation enacting the reforms had not been passed at year's end.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive power rests with the 10-member State Congress (cabinet), which is accountable to the parliament and is headed by two captains regent. As the joint heads of state with largely ceremonial roles, the captains are elected every six months by the legislature from among its own members. Although there is no official prime minister, the secretary of state for foreign and political affairs is regarded as the head of government. Following the December 2019 elections, Luca Beccari of the Sammarinese Christian Democratic Party (PDCS) was elected to the post in January 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 60 members of the unicameral Great and General Council are elected for five-year terms. The 2019 elections, called about a year early, were considered credible and free, and their results were accepted by stakeholders and the public. The elections were won by the opposition PDCS, which obtained 21 seats. The left-wing Tomorrow in Motion (DML) coalition came in second with 15 seats, followed by Libera San Marino with 10 seats, We for the Republic (NpIR) with 8 seats, and Future Republic (RF) with 6 seats. After the elections, the Christian Democrats formed a governing coalition with Tomorrow in Motion and We for the Republic.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral laws provide a sound basis for the organization of free and fair elections. In its 2018 compliance report, published in 2019, the Council of Europe's (CoE's) Group of States against Corruption (GRECO) indicated that San Marino had enacted adequate legislation to regulate the financing of political parties.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Parties are free to form and operate in San Marino, and a great number of them contest elections. Many parties participate in larger electoral coalitions, as the electoral law gives the largest political grouping the right to take the initiative in government formation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are no restrictions preventing the opposition from increasing support through elections, and the country has undergone transfers of power between rival party groupings in recent years. In the 2019 elections, opposition parties defeated the incumbent government and formed a new government. Multiple opposition groups are currently represented in the Great and General Council.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The political choices of voters and candidates are free from undue pressure by unaccountable groups.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While citizens generally enjoy full political rights, women are underrepresented in the Great and General Council, where they held 19 seats after the 2019 elections, and in politics generally. An assessment mission from the Organization for Security and Co-operation in Europe (OSCE) that was deployed ahead of the 2019 polls noted that gender quotas on candidate lists were undercut by the preferential voting system. Women are better represented in the country's Electoral Council and in polling administration.

About 16 percent of the population consists of noncitizens who do not have political rights in the country; most are Italian nationals. Under San Marino's strict naturalization criteria, individuals without a citizen spouse, parent, or grandparent generally must live in the country for over 30 years to be eligible for citizenship.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The government and legislature exercise their powers without improper interference from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

In response to scandals involving high-ranking officials, San Marino has launched a series of programs to combat corruption and money laundering. In a 2018 report, GRECO found that progress had been made in closing key gaps in the legal framework, but that further improvements were required. GRECO's 2020 report called for structural changes to San Marino's judicial sector in order to prevent unwarranted political influence and to strengthen the country's anticorruption framework. The report also highlighted the need to adopt a code of conduct for members of Parliament, which would require them to declare both conflicts of interest and assets. In response, the parliament approved a draft reform

package in December 2021 aimed at strengthening the independence of the judiciary; related reforms amending the Code of Criminal Procedure remained awaiting approval at year's end. Legislation enacting the reforms had not been passed at the end of 2021.

In 2017, several former officials were convicted of bribery, corruption, money laundering, and vote buying for their involvement in the so-called Conto Mazzini case. Multiple former captains regent and ministers received prison sentences ranging from two to eight years. Appellate hearings in the Conto Mazzini case, which first began in 2019, continued in September 2021.

C3. Does the government operate with openness and transparency? 4 / 4

Laws providing for the accessibility of government information are in place, and the government generally respects those laws. Public officials are not required to disclose their assets, though political candidates must report their income from the previous year as well as assets or investments.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Freedom of the press is generally upheld. Local media are pluralistic, and journalists investigate important topics, including financial crimes. However, the risk of heavy fines or civil damages under San Marino's strict defamation laws can prompt self-censorship among journalists. News consumers also have access to Italian media, and internet access is not restricted.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is broadly upheld in San Marino. Religious discrimination is prohibited by law. There is no state religion, although Roman Catholicism is dominant. Catholic religious instruction is offered in schools but is not mandatory.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Freedom of expression is legally safeguarded, and people are generally free to discuss their views on politics and other sensitive topics, though the law prohibits hate speech based on various characteristics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is upheld in practice. Demonstrations routinely proceed without incident.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) may operate without undue restrictions, and a number of human rights groups are active in the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers are free to strike, organize in trade unions, and bargain collectively, unless they work in military occupations. Approximately half of the workforce is unionized. The law prohibits antiunion discrimination and provides avenues for recourse for workers penalized for union activity.

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 3 / 4**

Judicial affairs are managed by a Judicial Council made up of first instance and appellate judges as well as members of Parliament. In 2020, various controversies relating to political interference in the judiciary unfolded, culminating in the removal of the three judges who had been investigating the so-called Conto Mazzini case, in which 17 high-ranking Sammarinese officials were sentenced in 2017 for their involvement in money laundering and other corrupt activities.

In response, a September 2020 report from GRECO called for structural changes to San Marino's judiciary in order to limit political influence. The report also called for greater transparency and accountability in the country's judicial sector, and for changes in the configuration of the Judicial Council and the appointment of judges. The report was accompanied by a letter from the CoE's human rights commissioner imploring the government to safeguard the independence of the judiciary. In December 2021, the parliament introduced draft legal reforms aimed at strengthening judicial independence. Among other things, the proposed amendments include provisions that would require that politicians be removed from the Judicial Council.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights surrounding charges and trials are generally upheld in practice. The authorities respect legal safeguards against arbitrary arrest and detention. However, the 2020 GRECO report on San Marino's judiciary expressed concerns about the lack of professionalism and transparency in San Marino's judicial system, and called for a more consistent, objective, and transparent allocation of cases. In addition, the report expressed a need to increase the accessibility to the public on judicial activity. The government's removal and reassignment of the three judges presiding over the Conto Mazzini case raised questions as to the maintenance of due process in cases of corruption. In December 2021, the parliament proposed amendments to the Code of Criminal Procedure that would enhance existing due process guarantees in the country if adopted.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The population does not face any major threats to physical security. There is one prison in San Marino, and the inmate population is small, with no reports of serious mistreatment. Law enforcement officers generally operate with professionalism.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

San Marino law criminalizes the dissemination of ideas related to racial or ethnic superiority; acts of violence or discrimination on various grounds, including sexual orientation and gender identity; and incitement to such acts. However, discrimination based on skin color and language are not covered by these provisions. While San Marino lacks legislation

guaranteeing equality and freedom from employment or other discrimination for LGBT+ people, in June 2019 referendum voters approved a constitutional amendment banning all forms of discrimination based on sexual orientation.

A 2018 report from the European Commission against Racism and Intolerance (ECRI) reiterated concerns about the absence of a strong and comprehensive antidiscrimination framework in the country. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has also urged San Marino to strengthen its laws against discrimination, in particular gender discrimination. Women face societal prejudices that affect their access to employment and economic opportunity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no restrictions on freedom of movement, and individuals in San Marino may freely change their place of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and operate private businesses are upheld.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally safeguarded in San Marino. A law allowing civil unions for same-sex couples was adopted by the Great and General Council in November 2018 and came into force in February 2019. However, same-sex marriage is not recognized, and same-sex couples do not have the right to adopt children together. In a September 2021 referendum, over 75 percent of participants voted in favor of legalizing abortion up to the 12th week of pregnancy or if the pregnancy poses a danger to the life or health of the mother. Legislation implementing the referendum results is expected to be enacted in 2022. Reports of domestic violence, which is prohibited by law, are rare.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

The government generally upholds labor protections for workers and provides assistance to low-income individuals. The CoE's commissioner for human rights in 2015 called on San Marino to continue with efforts to better protect foreign women employed as caregivers or household workers; the ECRI renewed this advice in 2018.

São Tomé and Príncipe

Population: 200,000

Capital: São Tomé

Freedom Status: Free

Electoral Democracy: Yes

Overview: São Tomé and Príncipe holds regular, competitive national elections and has undergone multiple transfers of power between rival parties. Civil liberties are generally

respected, but poverty and corruption have weakened some institutions and contributed to dysfunction in the justice system. Threats to judicial independence have been a growing concern in recent years.

KEY DEVELOPMENTS IN 2021

- The first round of the country's presidential elections was held in July; the first-round vote was marred by allegations of improper vote counting, which delayed the second-round polls while the Constitutional Court deliberated a candidate's request for a recount. The court ultimately denied the request, and Carlos Vila Nova of the Independent Democratic Action (ADI) party was elected president in September with 57.5 percent of the second-round vote, which both domestic and international observers deemed free and fair.
- In August, the president removed then defense minister Óscar Sousa from his post after he was accused of ordering the arrest of both the president and the prime minister in an alleged "attempt to subvert the constitutional order." An official inquiry into the matter began later that month.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is directly elected for up to two consecutive five-year terms. The prime minister, who holds most day-to-day executive authority, is appointed by the president based on the results of legislative elections. Executive elections are typically considered free and fair.

Carlos Vila Nova, of the opposition ADI, was elected president in September 2021, winning 57.5 percent of the second-round vote. The electoral process was marred by a number of irregularities, including allegations of vote-counting errors after the first round of voting in July. The allegations prompted third-place candidate Delfim Neves to request that the Constitutional Court order a recount. The request "paralyzed the court," which issued three separate rulings on the matter before declining to order a recount. The dispute delayed the second-round polls, and voting did not take place before the mandate of incumbent president Evaristo Carvalho had expired in early September. Allegations of fraud were not repeated during the second-round vote, and both domestic and international observers ultimately assessed the elections as largely free and fair.

Jorge Bom Jesus has served as prime minister since 2018, when he was appointed following the formation of a coalition government—comprised by the Movement for the Liberation of São Tomé and Príncipe–Social Democratic Party (MLSTP-PSD) and a bloc consisting of the Democratic Convergence Party, the Union of Democrats for Citizenship and Development, and the Force for Democratic Change Movement (PCD-UDD-MDFM)—after that year's legislative elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral, 55-seat National Assembly are elected by popular vote to four-year terms. In the October 2018 legislative elections, the ADI secured 25 seats, followed by the MLSTP-PSD with 23, the PCD-UDD-MDFM with 5, and the Movement of Independent Citizens with 2.

Following the elections, in a bid to secure an absolute majority, then prime minister Patrice Trovoadá requested that the Constitutional Court order a recount of ballots that had

been ruled invalid, which the court agreed to. The opposition condemned the court's decision as biased in favor of the ADI. Demonstrations held outside the site of the recount were violently dispersed by security forces, who fired tear gas into the crowd. Later that month, the Constitutional Court certified the initial election results, and the ADI did not gain any seats. Despite the controversy, international observers deemed the elections largely credible. New allegations of fraud in the October 2018 legislative elections emerged in September 2021, prompting ADI leaders to request an official investigation into the claims.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The electoral laws and framework are generally fair, but implementation suffers from lack of resources and staff.

In November 2020, the National Assembly approved a law preventing citizens born and living abroad to run for president. The ADI criticized the legislation, claiming it was designed to keep Trovoada—who was named party leader the month before and was born in Gabon—from running for president. In January 2021, President Carvalho vetoed the law, saying it limited civil and political rights. The president enacted the legislation the following month, after changes were made to remove provisions curtailing the political activities of citizens born and living abroad and to add an article allowing groups of citizens to run for legislative elections.

Despite flaws in the administration of the 2021 presidential elections, international election observers praised the conduct of the CEN, which the African Union (AU) observation mission reported was generally well-organized and able to efficiently manage challenges posed by electoral disputes. However, the AU election observation report criticized both the repeated postponement of the second round of voting and the “ad hoc nature” of the CEN, recommending that the CEN be made a permanent body.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The multiparty system features free and vigorous competition among the ADI, ML-STP-PSD, PCD-UDD-MDFM, and a variety of other parties. Parties are known to fracture, however.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Manuel Pinto da Costa and the MLSTP-PSD ruled São Tomé and Príncipe as a one-party state from independence in 1975 until 1991. Since then, there have been multiple democratic transfers of power between rival parties. Individual governments have tended to be short-lived, partly due to the country's system of proportional representation, which encourages coalition or minority governments.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Voters and politicians are generally free from undue interference with their decisions. The practice of vote buying by political parties and candidates remains a problem. While the country experienced military coups in 1995 and 2003, normal civilian rule was swiftly restored in both cases.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights. While women have made advances in the political sphere, societal discrimination and disparities in access to education inhibit women's participation. Women hold 24 percent of the parliament's seats, and 3 women candidates contested the first round of the presidential election in July 2021. In October 2021, Celiza Deus Lima became the first woman to be appointed to the Council of State.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The prime minister and cabinet determine the government policy under the supervision of the National Assembly and the president. They implement laws and policies without improper interference from unelected entities.

In August 2021, the president dismissed defense minister Óscar Sousa at the request of prime minister Jorge Bom Jesus; Sousa's dismissal came after the ADI accused him of ordering the arrest of both the president and the prime minister in an alleged "attempt to subvert the constitutional order." The government opened an inquiry into the allegations later that month.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption is a major problem. Oversight mechanisms, the opposition, and the media have repeatedly uncovered evidence of official malfeasance, sometimes resulting in dismissals and other repercussions, but anticorruption laws are poorly enforced. In September 2020, the cabinet sought to "withdraw its confidence" in Attorney General Kelve Nobre de Carvalho over issues including the disappearance of drugs from Judicial Police premises; he remained in his post through 2021.

Other allegations of government corruption surfaced in the media in December 2021, when it was reported that a government contract for the sale of rice donated by Japan had been awarded to a company owned by representatives of the MLSTP and the PCD-UDD-MDFM. The government, which had suspended its contract with the company prior to the 2021 presidential elections, denied any wrongdoing.

C3. Does the government operate with openness and transparency? 3 / 4

The government generally does not restrict access to information about its operations. However, there is no specific law guaranteeing public access to government information. Officials rarely disclose their assets and income. In August 2020, the Court of Auditors warned of irregularities in the government's 2017 accounts, noting their inability to verify figures related to government debt, among other concerns.

CIVIL LIBERTIES: 49 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Freedom of the press is constitutionally guaranteed and largely respected in practice. Public media convey opposition views and grant some access to opposition leaders, but only a handful of private media outlets are available, and a degree of self-censorship is reported at both public and private outlets. There are no restrictions on online media, though the sector is poorly developed. Some 30 percent of the population has internet access, and the government is working to expand the country's internet coverage.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of religion. Religious groups are required to register with the Justice Ministry and can face penalties for failing to do so, but the process is not reported to be biased or restrictive.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The constitution prohibits political indoctrination in education, and academic freedom is generally respected in practice. However, the quality of education is considered poor, and inequality in access to education is a persistent problem.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no restrictions on freedom of expression, which is constitutionally guaranteed. The government is not known to engage in improper surveillance of personal communications or monitoring of online content. Social media is used to express private and political opinions.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution protects freedom of assembly, which the government generally observes in practice. However, organizers are obliged to give authorities two days' notice before public gatherings. In June 2021, women activists in the city of São Tomé organized a large protest against gender-based violence (GBV). The government responded to the protest with a statement acknowledging an increase in GBV and condemning the murder of Maria de Lurdes Pereira, who was killed by her former husband earlier that month.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), including those focusing on human rights and governance issues, are free to operate. The government has not placed any significant restrictions on NGOs in recent years, but a lack of funding limits their activities.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the legal rights to organize, strike, and bargain collectively. These are mostly respected, though there are no provisions to regulate bargaining or punish antiunion practices by employers. Most union negotiations are conducted with the government, which remains the country's dominant formal-sector employer.

F. RULE OF LAW: 12 / 16**F1. Is there an independent judiciary? 3 / 4**

The constitution provides for an independent judiciary, and the courts are relatively autonomous in practice, but they are susceptible to political influence and corruption. The current and previous governments embarked on a series of politically charged judicial appointments and dismissals.

In December 2020, the government launched a three-year modernization program of the justice system designed, in part, to bolster judicial and prosecutorial independence. The government initiated several projects in line with the program's goals in 2021, including

beginning the construction of a regional court in the district of Caué and acquiring new technology to facilitate the continued digitalization of the judicial system.

Several judges, with the support of the country's judges' union, issued a statement in November 2021 accusing the Superior Council of Judicial Magistrates (CMSJ) of using "discriminatory" criteria, including a seniority requirement, to select candidates for two vacancies on the Supreme Court (STJ). Though the CMSJ later revised the selection process, the judges' union alleged that it remained marred by "irregularities and illegalities"; no STJ selections were made before year's end.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Law enforcement authorities generally observe legal safeguards against arbitrary arrest and detention as well as guarantees for a fair trial, but police corruption is a problem, and indigent defendants are sometimes denied access to a lawyer. Nearly a third of prisoners are in pretrial detention, which can be lengthy in some cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Police are sometimes accused of physically attacking suspects during arrest. In March 2021, a prisoner died of injuries sustained while in police custody; three police officers allegedly involved in the incident were detained the following month, and both the director of prison services and the director of the Judicial Police were dismissed. Prisons suffer from overcrowding and other harsh conditions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Equal treatment is legally guaranteed, but a degree of societal discrimination against women persists, hampering their access to economic and educational opportunities. Although same-sex sexual activity is not criminalized, discrimination against LGBT+ people is sometimes reported, and the law does not specifically address such bias.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The constitution establishes the freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respects these rights.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework and government policies are generally supportive of property rights and private business activity, though bureaucratic obstacles and corruption pose challenges in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

There are few formal restrictions on personal social freedoms. However, domestic violence is reportedly common and rarely prosecuted, and femicide remains a concern. In November 2021, the government presented its second national strategy for combating GBV.

The minimum age for marriage with parental consent is 14 for girls and 16 for boys, as opposed to 18 without parental consent for both. Roughly a third of girls marry before age

18. Child sexual abuse is prevalent. In June 2021, the government began training medical and law enforcement personnel on appropriately investigating child sexual abuse.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Forced labor is prohibited and child labor is restricted by law. There are also basic legal protections against exploitative or dangerous working conditions. However, the government lacks the capacity to enforce these rules effectively, particularly in the informal agricultural sector. The economy is heavily reliant on foreign aid.

Saudi Arabia

Population: 35,900,000

Capital: Riyadh

Freedom Status: Not Free

Electoral Democracy: No

Overview: Saudi Arabia's absolute monarchy restricts almost all political rights and civil liberties. No officials at the national level are elected. The regime relies on pervasive surveillance, the criminalization of dissent, appeals to sectarianism and ethnicity, and public spending supported by oil revenues to maintain power. Women and religious minorities face extensive discrimination in law and in practice. Working conditions for the large expatriate labor force are often exploitative.

KEY DEVELOPMENTS IN 2021

- In February, women's rights activist Loujain al-Hathloul was released on probation after serving nearly three years in prison on counterterrorism charges relating to her peaceful activism for women to have the right to drive. She remains banned from travelling for five years and is forbidden from talking to the media. Her release was widely seen as a gesture by the authorities to the new US administration.
- In March, changes to the kafala visa-sponsorship system for foreign workers ended the requirement that they obtain their employer's permission to leave the country or to take another job, a practice that had been criticized for enabling forced labor. However, foreign workers do need to obtain permission from the government to take those actions. Moreover, the changes do not apply to the nearly 3.6 million people who work as domestic workers, personal security guards, or chauffeurs.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Saudi Arabia's king is chosen by his predecessor from among male descendants of the country's founder, though the choice must be approved by a council of senior princes, the Allegiance Council. The king rules for life. King Salman bin Abdulaziz al-Saud appointed son Mohammed bin Salman as crown prince in 2017, displacing the prince's older cousin, Mohammed bin Nayef, who was stripped of all official positions. Bin Nayef was detained along with a sibling of King Salman in 2020 on charges of treason over an alleged plot to overthrow both the king and the crown prince.

The cabinet, which is appointed by the king, passes legislation that becomes law once ratified by royal decree. King Salman also serves as prime minister, and Mohammed bin Salman serves as deputy prime minister and minister of defense.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The king appoints the 150 members of the Majlis al-Shura (Consultative Council), who serve in an advisory capacity and wield no legislative authority, for four-year terms. King Salman appointed new members in October 2020.

Limited nonpartisan elections for advisory councils at the municipal level were introduced in 2005. In the 2015 elections, two-thirds of the seats on the 284 councils were open to voting, while the rest were filled through appointment by the minister of municipal and rural affairs. Women were allowed to vote and run as candidates for the first time, and a small number won seats. Elections due in 2019 were postponed indefinitely without any clear official explanation.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral framework lacks constitutional protections, and the 2015 municipal elections were subject to onerous restrictions. The kingdom's rules on gender segregation were applied to campaigns, meaning no candidates could produce posters showing their faces or meet in person with voters of the opposite sex. Candidates were also barred from giving media interviews, leading many to campaign via social media. Several candidates were disqualified for unclear reasons, though some were reinstated after appeals. Ultimately, a small fraction of the citizen population participated in the elections, reflecting doubts about the effectiveness of the advisory councils.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Political parties are forbidden, and political dissent is effectively criminalized. Some of the country's most prominent political rights organizations and activists, including founding members of the banned Saudi Civil and Political Rights Association (ACPRA), have been arrested and sentenced to prison in recent years; one founder, Abdullah al-Hamid, died in custody in April 2020. Many other political activists continue to serve lengthy prison sentences. A new political party, the National Assembly party, was established by Saudi exiles living abroad in 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The Saudi rulers are explicitly opposed to democracy in their country. Opposition movements are banned, and the government is increasingly intolerant even of moderate critics. The Muslim Brotherhood, a Sunni Islamist political organization, is believed to have the sympathy of a substantial minority of Saudis but has been designated a terrorist group since 2014.

Other groups and individuals that criticize the regime or call for political reform—whether Sunni or Shiite, Islamist or secularist—are subject to arbitrary detention. Prominent reformist clerics Salman al-Awdah, Awad al-Qarni, and Ali al-Omari were arrested

in 2017 for “plotting against the state,” seemingly because they were perceived as sympathetic to Qatar and the Muslim Brotherhood. All three remain detained at the end of 2021, pending trials that have been repeatedly and arbitrarily delayed, and they potentially face the death penalty.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The monarchy generally excludes the public from any meaningful political participation. In the absence of political parties, voters in Saudi Arabia's limited municipal elections have been heavily influenced by tribal and religious leaders, many of whom benefit from close ties to the ruling establishment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Although political rights are curtailed for all Saudi citizens, women, religious minorities, and LGBT+ people face additional obstacles to participation given the kingdom's strict laws and customs on matters including gender segregation and sexual activity, and its intolerance of religious groups that deviate from the state-sanctioned interpretation of Sunni Islam. Women make up 30 of the 150 members of the appointed Majlis al-Shura (advisory council). Members of religious minorities and women are largely excluded from leadership positions, though a woman was appointed as deputy speaker in October 2020. Women secured about 1 percent of the seats in the 2015 municipal council elections. Shiites reportedly hold a small number of advisory council seats and many municipal council seats in Shiite-majority areas.

Tribes that have close kinship ties with King Salman, especially from the Najd region, have historically held privileged positions in government. The Shura Council includes members of prominent tribal councils such as the al-Mutairi, al-Murrah, or al-Harbi, and the National Guard, one of the country's military forces, has relied on tribal loyalties. However, the political influence of tribal networks has ostensibly waned, as the king and the crown prince seek to modernize the state, curb the influence of potentially autonomous social forces, and consolidate a politically loyal elite, one independent of social identity.

Noncitizens, who make up roughly a third of the population in Saudi Arabia, have no political rights, and citizenship can only be directly transmitted by a citizen father whose marriage is recognized by the state.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The kingdom's only elected officials serve on local advisory councils and have little or no influence over national laws and policies.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a significant problem. Although the government generates massive revenue from the sale of oil, which it redistributes through social welfare programs and as patronage, little is known about state accounting or the various direct ways in which public wealth becomes a source of private privilege for the royal family and its clients.

The government has taken some steps to combat corruption and recover misappropriated assets, but its opaque methods have raised serious concerns about politicization and lack of due process. The crown prince heads an anticorruption committee, which in 2017

ordered the detention of more than 300 people, many of whom were coerced into turning over billions of dollars in assets to the state in out-of-court settlements. Mohammed bin Salman's campaign has targeted potential rivals within the royal family, leading observers to suggest these crackdowns are meant to consolidate his political and economic control.

Since 2020, the government's ostensible anticorruption campaign has shifted its focus to lower-level officials. In 2021, the national anticorruption body, Nazaha, announced that several hundred people were arrested from a wide range of government ministries for corruption or abuse of power.

Nontribal nepotism in government is also a challenge.

C3. Does the government operate with openness and transparency? 0 / 4

The functioning of government is largely opaque. The availability of some economic data is improving, including data on the government budget, but overall, whether or how state funds are disbursed and the internal decision-making process that allocates them are unclear; there is no public mechanism for holding senior officials accountable for their decisions. The defense budget is especially shielded from public scrutiny. The sovereign wealth fund, called the Public Investment Fund, is largely opaque.

The state's oil revenues make up most of its financial resources. In 2019, the state oil company, Saudi Aramco, listed shares on the domestic stock exchange, which requires little transparency, after questions about the company's relationship with the royal family deterred them from a public offering on a major international exchange.

CIVIL LIBERTIES: 6 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

The government controls domestic media content and heavily influences regional print and satellite-television coverage. Journalists can be imprisoned for a variety of vaguely defined crimes. The Committee to Protect Journalists reported that 14 journalists were imprisoned in Saudi Arabia in 2021.

A 2011 royal decree amended the press law to criminalize, among other things, any criticism of the country's grand mufti, the Council of Senior Religious Scholars, or government officials; violations can result in fines and forced closure of media outlets. All blogs and websites must have a Ministry of Information license or face fines and possible closure.

Saudi officials blamed the 2018 killing in Istanbul of Jamal Khashoggi, one of the country's most prominent journalists who was self-exiled in the US and working for the *Washington Post*, on rogue Saudi intelligence agents. A handful of agents were sentenced to prison, but no senior officials were held accountable despite evidence that the killing was coordinated by the then deputy head of the general intelligence presidency and by a senior advisor to the crown prince. The crown prince's senior advisor was sanctioned by the US government in February 2021.

The government maintains an extensive system of social media surveillance and regulation and invests considerable resources in automated "bot" and other accounts that influence and distort the social media environment and target prominent users. In 2020, internet activist Amani al-Zain was reportedly arrested after a video of her criticizing the crown prince—and making a reference to Khashoggi's murder—surfaced.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The 1992 Basic Law declares that the Quran and the Sunna are the country's constitution. Islam is the official religion, and all Saudis are required by law to be Muslims. A 2014 royal decree punishes atheism with up to 20 years in prison. The government prohibits the public practice of any religion other than Islam and restricts the religious practices of Shiites and of those who practice Sufism. The construction of Shiite mosques is constrained through licensing rules and prohibited outside of Eastern Province, where most Shiites live. Although the government recognizes the right of non-Muslims to worship in private, it does not always respect this right in practice.

The government exercises significant influence over Muslim clerics—both officially appointed figures who depend on government patronage and independent religious scholars who need a measure of official goodwill to function openly, appear on television, and avoid penalties.

Online commentary that touches on religion can be harshly punished.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is restricted, and informers monitor classrooms for compliance with curriculum rules, including a ban on teaching secular philosophy and religions other than Islam. Despite changes to textbooks in recent years, intolerance in the classroom remains a significant problem, as some educators continue to espouse discriminatory and hateful views of non-Muslims and Muslim minority sects.

Academics and researchers have faced punishment for being perceived as criticizing government policies.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Saudis can engage in some degree of private discussion on political and other topics, including criticism of certain aspects of government performance, but the climate for free expression has deteriorated sharply since the 2018 assassination of Jamal Khashoggi and the arrests of many prominent writers and activists, which served as warnings to ordinary Saudis to avoid dissent. Self-censorship is virtually ubiquitous.

There are severe criminal penalties for criticism of the regime and free discussion on topics like religion or the royal family. Laws are often vaguely worded, giving the state considerable discretion to determine what constitutes illegal expression.

Surveillance is extensive within Saudi Arabia, and Saudis living and traveling abroad are also subject to spying and intimidation. Saudi Arabia is one of at least 10 governments that has had contracts with the Israeli NSO Group for Pegasus spyware, which allows users to secretly hack into a subject's phone and spy on their whereabouts and communications in real time. Investigations in 2021 by journalists and tech researchers, including from the Canadian privacy rights group Citizen Lab, uncovered a new form of surveillance tool used by the Saudi government that needed no interaction with the user to access personal devices.

In November 2019, US prosecutors accused two former Twitter employees of providing information on users, including perceived government critics, to Saudi authorities. In October 2021, a court upheld a 20-year prison sentence against Abdulrahman al-Sadhan for criticizing the government through an anonymous Twitter account. The number of people detained for criticizing the government is not published, and not all cases are reported as family members fear retribution should theirs be made public.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly is not respected, and the government has imposed harsh punishments—including at times the death penalty—on those who lead or participate in public protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Nongovernmental organizations (NGOs) must obtain a government license to operate. Until the adoption of an NGO law in 2015, officials had approved licenses only for charitable groups; authorities have expressed a desire to encourage the growth of civil society but discourage independent work on human rights and governance issues. Reformist organizations have been denied licenses in practice, in some cases through arbitrary delays.

Human rights activists and other civil society representatives face regular harassment and detention. In February 2021, women's rights activist Loujain al-Hathloul was released on probation after serving nearly three years in prison on counterterrorism charges relating to her peaceful activism for women to have the right to drive. She remains banned from travelling for five years and is forbidden from talking to the media. Her release was widely seen as a gesture by the authorities to the new US administration.

No domestic NGO openly advocates for LGBT+ rights in the country.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

No laws protect the rights to form independent labor unions, bargain collectively, or engage in strikes. Workers who engage in union activity are subject to dismissal or detention. A May 2020 COVID-19-related directive banned "gatherings of workers" to five people, while limits on other gatherings were set at 50.

F. RULE OF LAW: 2 / 16**F1. Is there an independent judiciary? 1 / 4**

The judiciary has very little independence in practice. Judges are appointed by the king and overseen by the Supreme Judicial Council, whose chairman is also the justice minister. A special commission of judicial experts issues opinions that serve as guidelines for judges on the interpretation of Sharia (Islamic law), which forms the basis of Saudi law. Judges have significant discretion in how they interpret Sharia and do not have to publish an explanation of their judgments.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Defendants' rights are poorly protected by law. Detainees are often denied access to legal counsel during interrogation, and lengthy pretrial detention and detention without charge are common. Due process is notably lacking in death penalty cases. Statistics and other information on prisoners, sometimes including their whereabouts or reason for arrest, are lacking. The number of political prisoners is difficult to assess, with some cases never reported due to fears that publicity will incur retribution from the authorities. Conditional releases sometimes require prisoners not to speak about their experiences.

A 2014 antiterrorism law includes lengthy prison sentences for criticizing the monarchy or the government. Among other provisions, it expanded the power of police to conduct raids targeting suspected antigovernment activity without judicial approval. Several Palestinians and Jordanians were sentenced on terrorism charges in August 2021.

The hundreds of people arrested in the 2017 anticorruption crackdown did not pass through the judicial system but were instead compelled to hand over assets to the government in return for their release. Government supporters claimed that the judicial process would have taken several years due to a lack of capacity.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Allegations of torture by police and prison officials are common, and access to prisoners by independent human rights and legal organizations is extremely limited. In 2019, international media published leaked prison medical records indicating that many political prisoners suffered from cuts, bruises, burns, and malnutrition. Detained women's rights activists were reportedly given electric shocks, whipped, beaten, sexually abused, and threatened with rape. Conditions in migrant detention centers are notoriously poor.

Corporal punishment, most often lashing, is common in criminal sentencing, though the government ended the use of flogging for some crimes in April 2020.

Capital punishment is applied to a wide range of crimes beyond murder, including drug and protest-related offenses. Defendants facing the death penalty are known to confess under torture, but courts do not consistently investigate subsequent retractions. The number of executions rose to at least 40 in January–July 2021, according to Amnesty International, after falling sharply to 27 executions during the entirety of 2020, when Saudi Arabia hosted the G20 summit. Meanwhile, three soldiers were executed in April 2021 for alleged treason; no details about their actions were publicized.

Saudi Arabia has faced cross-border military attacks from Yemen since 2015, when it entered a war against that country's Shiite-led and Iranian-backed Houthi (Ansarallah) movement. These include drone attacks, such as an attack on Abha airport in August 2021, which wounded eight people. The country has also experienced waves of domestic terrorism from Al Qaeda in the past.

Saudi authorities were accused of firing on, and later detaining, Ethiopian migrants living in Yemen when Houthi forces expelled several thousand of them to the Saudi border in 2020.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The courts engage in routine discrimination against various groups, citing their interpretations of Sharia. A woman's testimony is generally given half the weight of a man's testimony, and the testimony of anyone other than observant Sunni Muslims can be disregarded by judges.

Shiites, who make up 10 to 15 percent of the population, face socioeconomic disadvantages, discrimination in employment, and underrepresentation in government positions and the security forces.

Education and economic rights for Saudi women have improved significantly in recent years, but women are still subject to extensive legal and societal discrimination, most notably through the guardianship system, in which women must rely on a close male relative to approve many basic activities. Although legal reforms have recently reduced the scope of the guardianship system, it remains deeply entrenched in societal practices and customs, and an individual woman's degree of freedom depends to a large extent on the attitudes of her family. Reforms announced in 2019 included a ban on gender discrimination in employment.

Same-sex sexual activity is generally understood to be prohibited under Sharia, and LGBT+ people are at risk of harassment, discrimination, criminal punishment, and violence.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

The government punishes activists and critics by limiting their ability to travel outside the country, and reform advocates are routinely stripped of their passports. Family members of activists can also be banned from travel or imprisoned. For instance, in 2020, authorities jailed two of the children of Saad al-Jabri, who was formerly the most trusted counterterrorism advisor to the previous crown prince and is now in exile in Canada; Jabri alleged that the Saudi government had sent a hit squad to try to kill him in 2018.

Gender segregation restricts freedom of movement for both men and women, but male guardianship and other factors have historically imposed onerous constraints on women. The long-standing ban on women driving was lifted in 2018, and since 2019 adult women have been able to apply for a passport independently. Gender-segregation norms are easing in some places but unevenly and informally.

In March 2021, the kafala visa-sponsorship system was modified so that certain foreign workers no longer need their employer's permission to leave their job, take a new job, or leave the country; they instead need to seek permission from the Saudi government.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While a great deal of business activity in the kingdom is dominated by or connected to members of the government, the ruling family, or other elite families, officials have given assurances that special industrial and commercial zones are free from interference by the royal family.

Women face legal discrimination regarding property rights, with daughters typically receiving half the inheritance awarded to sons. Women are no longer legally required to obtain permission from a male guardian to obtain business licenses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

There are several official restrictions on marriage: Muslim women may not marry non-Muslims, citizens require the interior ministry's permission to marry noncitizens, and men are barred from marrying women from certain countries. All sexual activity outside of marriage is criminalized, and the death penalty can be applied in certain circumstances. Women face legal disadvantages in divorce and custody proceedings and cannot marry without a male guardian's permission. Under reforms announced in 2019, women can register children's births and oversee children's travel.

A 2013 law broadly defined and criminalized domestic abuse, prescribing fines and up to a year in prison for perpetrators. However, enforcement remains problematic, with some officials prioritizing privacy and family integrity over safety and justice for victims. Prosecutions are extremely rare. Women's practical ability to leave abusive relationships is severely limited. While women are no longer legally required to live with their husbands under the 2019 reforms to the guardianship system, social taboos and other obstacles often deter them from leaving their family home. There are a limited number of shelters for women escaping abuse, but women are not allowed to leave them without their guardians' permission.

The religious police's authority to enforce gender-segregation and personal-attire rules was sharply curtailed in law and practice in 2016. Women's dress is now less tightly controlled, though some Saudis have faced penalties for breaching norms of perceived "modesty" on social media.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Foreign workers—who make up more than half of the active labor force—enjoy limited legal protections and remain vulnerable to trafficking and forced labor, primarily through employers' exploitation of the kafala system. They also lack pathways to become citizens and face discrimination, including lower wages. However, March 2021 changes to the kafala system ended the requirement that foreign workers obtain their employer's permission to leave the country or to take another job, a practice that had been criticized for enabling forced labor. However, foreign workers do need to obtain permission from the government to take those actions. Moreover, the changes do not apply to the nearly 3.6 million people who work as domestic workers, personal security guards, or chauffeurs who are governed by separate regulations that provide fewer safeguards against exploitative working conditions.

Government programs give preferential treatment to companies that hire certain percentages of Saudi citizens and penalize those that fail to meet such targets.

Human trafficking remains a problem. In November 2021, UN experts called on the Saudi and Vietnamese authorities to combat the trafficking of women and girls from Vietnam to Saudi Arabia, noting one example in which a 15-year-old Vietnamese girl died after her employer beat her and denied her food; her family was unable to recover her body because her immigration documents had been forged by traffickers.

Senegal

Population: 17,200,000

Capital: Dakar

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Senegal is one of Africa's most stable electoral democracies and has undergone peaceful transfers of power between rival parties since 2000. However, politically motivated prosecutions of opposition leaders and changes to the electoral laws have reduced the competitiveness of the opposition in recent years. The country is known for its relatively independent media and free expression, though defamation laws continue to constrain press freedom. Other ongoing challenges include corruption in government, weak rule of law, and inadequate protections for the rights of women and LGBT+ people.

KEY DEVELOPMENTS IN 2021

- Widespread protests erupted in March following the arrest of prominent opposition leader Ousmane Sonko on charges of rape; Sonko denied the allegations, calling his arrest politically motivated. An estimated 14 people were killed and approximately 590 injured during the demonstrations, which were characterized by high levels of violence against protesters by security forces.
 - Over the course of the year, hundreds of protesters rallied to protest against LGBT+ rights, demanding that the government increase criminal penalties for
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same-sex sexual activity. Draft legislation that would lengthen prison sentences for people convicted of same-sex sexual activity and impose criminal penalties on those who finance or publicly support “any activity relating to the LGBT+ agenda” was introduced in December.

- In June, the National Assembly revised several laws, allegedly to combat terrorism. Local and international rights groups condemned the legislation, saying that the amendments are overly broad, and could be used to silence dissent and expand police surveillance powers.

POLITICAL RIGHTS: 29 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is chief of state and head of government, and is directly elected to a maximum of two consecutive terms. In 2016, the presidential term was reduced via referendum from seven years to five, effective after the end of President Macky Sall’s term in 2019.

In the February 2019 presidential election, Sall, of the Alliance for the Republic (APR), defeated four challengers including former prime minister Idrissa Seck of the Rewmi Party and Ousmane Sonko of the Patriots of Senegal for Ethics, Work, and Fraternity (PASTEF) party.

While international observers declared the election credible, it was marred by the exclusion of two prominent opposition politicians, Khalifa Sall and Karim Wade, who might have seriously challenged President Sall. In January 2019, just weeks before the polls, the Constitutional Council ruled they were both ineligible to run for president because they had been convicted in separate, politically fraught corruption cases.

In November 2021, the Council of Ministers adopted a draft revision of the Constitution that would reintroduce the position of prime minister, which had been abolished in May 2019. Further draft amendments reintroduced the accountability of the government to the National Assembly—a provision that had also been removed in 2019—and restored the president’s power to dissolve the legislative body. Though the National Assembly voted to adopt the revisions in December, they had not come into force by year’s end.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of Senegal’s 165-seat National Assembly are elected to five-year terms, with 105 elected in single-member districts, and 60 by proportional representation. In the July 2017 parliamentary elections, the ruling United in Hope (BBY) coalition won 125 seats, followed by Abdoulaye Wade’s Winning Coalition–Wattu Senegaal with 19. Khalifa Sall’s Mankoo Taxawu Senegaal coalition took 7, and 11 groups divided the remainder. International observers deemed the elections credible despite significant procedural errors and logistical challenges.

New biometric voting cards were distributed to only 70 percent of eligible voters before the 2017 elections. Some voters were allegedly disenfranchised because of difficulties related to securing alternative identification measures, which were approved just four days before the elections.

Local elections have been repeatedly delayed since 2019, and were again postponed in March 2021, when the National Assembly voted to reschedule the polls for January 2022.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The National Autonomous Electoral Commission (CENA) administers elections. Although the CENA is nominally independent, its members are appointed by the president. The opposition criticized the government for making important changes ahead of the 2017 legislative balloting, including the introduction of the new biometric voting system, without engaging in dialogue or building political consensus.

A new electoral law passed in 2018 requires all aspiring presidential candidates to collect signatures from at least 0.8 percent of the overall electorate before their names could appear on the ballot, and all groups presenting National Assembly lists to obtain signatures from 0.5 percent of voters in at least seven regions. Of the 27 candidates who submitted the required signatures prior to the 2019 presidential election, only 5 were approved by the Constitutional Council. That June, a European Union (EU) election observation mission said the controversial requirement could pose “serious political and organizational problems” in upcoming local elections. In April 2021, the Economic Community of West African States (ECOWAS) Court of Justice found that the provision violated the right to free participation in elections and ordered Senegal to “remove all obstacles” within six months. Despite the ruling, the government had not removed the electoral sponsorship requirement by year’s end.

In May 2019, opposition parties and the Sall administration entered talks aimed at resolving voter-roll concerns and reviewing the overarching voting process. However, neither of these goals were reached by the end of 2021, due in part to boycotts from opposition participants.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Registration requirements for new political parties are not onerous, and registered parties can organize and operate without government interference. However, opposition candidates still face major financial inequities when competing with incumbents. There is no public financing for political parties, but the ruling party deploys a vast set of state resources to garner support, whereas opposition leaders are often forced to rely on personal wealth to finance party operations or on political alliances to access power. In January 2021, the Minister of the Interior threatened to dissolve PASTEF, which had succeeded in raising about 125 million CFA francs (\$206,400) within a few days to finance its political activities.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The opposition can increase its support or gain power through elections. However, the 2018 electoral law was criticized by opposition leaders for making it more difficult for candidates to appear on the ballot, and was widely seen as a move to clear the field and ensure President Sall’s reelection in 2019.

The prosecutions of some of President Sall’s most prominent political opponents in recent years has also reduced the competitiveness of the opposition. In January 2019, the Constitutional Council ruled that Khalifa Sall, a former mayor of Dakar, and Karim Wade, the son of former president Abdoulaye Wade, were both ineligible to run in the 2019 presidential election because both had previously been sentenced to prison terms for corruption.

In March 2021, prominent opposition leader Ousmane Sonko was arrested on charges of rape, leading to widespread protests. Sonko repeatedly denied the allegations, saying that the charge was a politically motivated attempt to exclude him from the 2024 presidential

race. Sonko remained under judicial supervision throughout the year, and has been denied permission to leave the country.

The opposition's ability to compete with President Sall was also lessened by the president's decision to appoint opposition figures to government posts in November 2020, when he appointed several Rewmi Party members to his cabinet.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are largely free from domination by groups that are not democratically accountable. Despite the constitutional separation of religion and state, Sufi Muslim marabouts exercise some influence on voters and politicians, particularly on subjects like homosexuality, marriage, and abortion rights.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Female representation in the cabinet is relatively poor. Women are better represented in the National Assembly, holding 70 seats and representing almost 43 percent of the body. This is partially due to a 2010 law requiring gender parity on candidate lists. Women's overall rate of participation in politics, such as voting and engaging in local political activities, is nevertheless lower than men's.

Due to high levels of discrimination and social stigma, LGBT+ people have no meaningful political representation.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

President Sall, his cabinet, and national legislators determine government policies. However, power is concentrated in the executive branch, and the National Assembly is limited in its ability to check the president. The executive has blocked certain parliamentary inquiries into its activities. In May 2019, lawmakers approved a controversial measure to abolish the post of prime minister, which Sall promptly signed. In late 2021, the National Assembly voted to reinstate the position of prime minister, though it had not been restored by year's end.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious problem, and high-level officials often act with impunity. Anticorruption laws are unevenly enforced and enforcement actions are sometimes viewed as politically motivated. The corruption case against Khalifa Sall, for example, was widely perceived as an effort to neutralize one of the president's most powerful opponents.

C3. Does the government operate with openness and transparency? 3 / 4

The government generally operates with openness. However, authorities frequently award contracts without any formal tender process, and do not always publicly release contracts or bilateral agreements before they are signed.

Some COVID-19-related decisions were also made opaquely. The National Office for the Fight against Fraud and Corruption (OFNAC), an anticorruption watchdog, received complaints over the nontransparent process for distributing pandemic-related food aid but then community development minister Mansour Faye, who was accused of mismanagement, vowed to refuse any OFNAC summons. Despite these concerns, Faye was appointed infrastructure minister in November 2020, and later became minister for water and sanitation.

A 2014 law requires confidential asset disclosures by cabinet members, top National Assembly officials, and the managers of large public funds; the president's asset disclosures are made public.

CIVIL LIBERTIES: 39 / 60 (-3)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 2 / 4

The constitution guarantees freedom of speech, and Senegal is home to many independent television and radio stations and print outlets. Although the overall media situation has improved considerably since President Sall was elected in 2012, several subsequent developments have constrained press freedom. A controversial law enacted in January 2021 allows for prison terms of up to two years for defamation and three years for publishing "fake news" likely to "discredit public institutions" or "prejudice public decency."

In March, internet service was disrupted and major social media outlets such as WhatsApp and YouTube were partially blocked for a few days as clashes between protesters and riot police intensified following the arrest of opposition leader Ousmane Sonko. The Audiovisual Regulatory Council (CNRA) also briefly suspended two television stations for their coverage of the protests, saying that such coverage "could threaten national stability or social cohesion."

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

There is no state religion, and freedom of worship is constitutionally protected and respected in practice. Muslims constitute 96 percent of the population.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is guaranteed by the constitution and generally respected in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally open and free. However, individuals have occasionally been arrested for social media posts deemed offensive by the government.

In 2018, the National Assembly passed an electronic-communications bill, which included a vaguely worded provision expanding the regulatory power of the government over social media companies. Rights activists expressed concern that the law could be used to shut down, tax, or surveil communications on popular social media platforms.

In June 2021, the National Assembly amended the penal code and the code of criminal procedure, allegedly to combat terrorism. Opposition parties and civil society groups protested against the laws, saying they were too broad and could be used to silence dissent and expand police surveillance powers.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (-2)

E1. Is there freedom of assembly? 1 / 4 (-1)

The constitution guarantees freedom of assembly and peaceful demonstrations, but the Ministry of the Interior must approve protests in advance. The government has often cracked down on assembly rights by banning protests around tense political moments and violently dispersing some demonstrations.

The government also reserved the right to limit assemblies under a COVID-19-related state of emergency issued in March 2020. While the state of emergency expired that July, some assembly restrictions were reintroduced in August and remained in force through year's end. Though most COVID-19-related assembly restrictions were lifted by March 2021, some remained in place; the government continued to ban demonstrations throughout the year, citing the possible spread of COVID-19. In September, civil society group Noo Lank defied the ban to hold a protest against Dakar's high cost of living, resulting in the arrest of several protesters.

The March arrest of opposition leader Ousmane Sonko sparked large protests across the country. The demonstrations, which lasted several days, were marked by violent clashes between protesters and security forces. Numerous human rights violations were committed by security forces during the demonstrations, with an estimated 14 people killed and approximately 590 injured.

Assembly rights of LGBT+ groups and nongovernmental organizations (NGOs) that support people living with HIV and AIDS are limited.

Score Change: The score declined from 2 to 1 because authorities used lethal force in response to opposition protests in March and cited the pandemic to selectively suppress other demonstrations during the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4 (-1)

NGOs generally operate without interference from state or nonstate actors, though the ability of LGBT+ groups to function is impeded by assembly restrictions. Draft legislation introduced in December 2021 seeks to impose criminal penalties on those who finance or publicly support "any activity relating to the LGBT+ agenda," proposing prison sentences of up to five years for those convicted. If approved, the draft law would effectively criminalize the operation of LGBT+ rights NGOs in the country altogether.

In June, the National Assembly passed revisions to the penal code and code of criminal procedure—ostensibly intended to strengthen Senegal's antiterrorism laws—that include provisions allowing NGO leaders to be criminally charged for alleged offenses committed by their organizations. Local and international rights groups have also condemned the legislation, saying that the amendments are overly broad and could lead NGOs and their employees to self-censor in fear of being targeted for their work.

Score Change: The score declined from 4 to 3 because a broad new antiterrorism law imposes criminal liability on NGO leaders for alleged offenses by their organizations and because of official pressure on NGOs that advocate for the rights of LGBT+ people.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers, apart from security employees, have rights to organize, bargain collectively, and strike, though the right to strike is impinged by legal provisions that ban pickets and sit-down strikes, among other activities. Trade unions must be authorized by the Ministry of the Interior, and unions lack legal recourse if registration is denied.

F. RULE OF LAW: 8 / 16 (-1)

F1. Is there an independent judiciary? 2 / 4

The judiciary is formally independent and enjoys a relatively good reputation, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State. Judges are prone to pressure from the government on matters involving

high-level officials. The Higher Council of the Judiciary, which recommends judicial appointments to the executive branch, is headed by the president and minister of justice, which critics argue compromises its independence.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The law guarantees fair public trials and defendants' rights, but arbitrary arrest and extended detention remains a concern. Though the government is obligated to supply attorneys to felony defendants who cannot afford them, this representation is inconsistent in practice. Lengthy pretrial detention remains a problem. The judicial system's reach does not consistently extend to rural areas, which more often rely on traditional methods of conflict resolution.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4 (-1)

Individuals are generally protected from the illegitimate use of physical force. However, Senegalese prisons are overcrowded, and human rights groups have documented incidents of excessive force and cruel treatment by prison authorities. In an effort to limit the spread of COVID-19 through the prison system, President Sall pardoned over 2,000 prisoners—a fifth of the prison population—in April 2020.

A low-level separatist conflict in the Casamance region is ongoing, though attacks by the Movement of Democratic Forces of Casamance (MFDC) have lessened since a de facto cease-fire was reached in 2012.

The protests that erupted in March 2021 following the arrest of opposition leader Ousmane Sonko were characterized by high levels of violence, much of which was directed at protesters by Senegalese security forces using disproportionate force; an estimated 14 people were killed and nearly 600 were injured during the demonstrations. Officers accused of using excessive force had not been held accountable for their actions by year's end.

Score Change: The score declined from 3 to 2 because the March protests entailed widespread violence that affected public security, and officers accused of using excessive force were not held accountable for their actions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The caste system is still prevalent among many of Senegal's ethnic groups. Individuals of lower castes are subject to discrimination in employment. Women face persistent inequities in employment, health care, and education.

Same-sex sexual activity remains criminalized. While these laws are rarely enforced, LGBT+ people risk violence, threats, and mob attacks, as well as discrimination in housing, employment, and health care. During 2021, demonstrators rallied multiple times in support of a draft law that proposed increasing prison sentences for those found guilty of same-sex sexual activity and introducing criminal penalties for those who contribute to "any activity relating to the LGBT+ agenda."

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens generally enjoy freedom of movement and can change their residence, employment, and educational institution without serious restrictions, though the threat of land mines and rebel activity has hindered travel through parts of the Casamance region.

Movement was restricted by a COVID-19-related state of emergency, which was introduced in March 2020. The state of emergency expired that July, though some measures were reintroduced in August and remained in effect through year's end. In January 2021, movement was restricted when the government declared a COVID-19-related state of health disaster in the regions of Dakar and Thiès. The state of health disaster ended in March following several days of antilockdown demonstrations, during which at least 10 people died.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The civil code facilitates ownership of private property, and property rights are generally respected. Commercial dispute-resolution processes can be drawn out. Property title and land-registration protocols are inconsistently applied, though the government has worked to ease property acquisition and registration. Husbands are legally regarded as heads of households. Traditional customs limit women's ability to purchase property, and local rules on inheritance make it difficult for women to become beneficiaries.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Rates of female genital mutilation (FGM) have declined due in part to campaigns to discourage the practice, but it remains a problem. The government launched a plan to reduce early marriage in 2016, given that almost one in three Senegalese girls married before age 18.

Rape was considered a misdemeanor before President Sall signed into law a measure criminalizing rape in January 2020; this followed 2019 demonstrations which were prompted by the murder of a 23-year-old woman during an attempted rape.

The law allows abortion only to save a woman's life, and abortions for medical reasons are difficult to obtain in practice. Throughout 2021, a number of groups that consider abortion contrary to national values, including religious organizations, campaigned against legalizing abortion in cases of rape and incest.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Child labor remains a problem, particularly in the informal economy, and laws restricting the practice are inadequately enforced. Forced begging by students at religious schools is common, and teachers suspected of abuse are rarely prosecuted.

According to the 2021 edition of the US State Department's *Trafficking in Persons Report*, the Senegalese government has engaged in ongoing efforts to implement a trafficking database and provide support for vulnerable children facing homelessness. However, the report also noted that the authorities inconsistently applied penalties to alleged traffickers and did not investigate or prosecute traffickers who orchestrate forced begging.

Serbia

Population: 6,800,000

Capital: Belgrade

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Serbia is a parliamentary democracy with competitive multiparty elections, but in recent years the ruling Serbian Progressive Party (SNS) has steadily eroded political rights and civil liberties, putting pressure on independent media, the political opposition, and civil society organizations.

KEY DEVELOPMENTS IN 2021

- Over the course of the year, members of European Parliament facilitated several rounds of interparty dialogue between the SNS and opposition parties to address poor electoral conditions in the run-up to the 2022 general elections, including systemic progovernment media bias, a lack of campaign finance oversight, and the absence of sanctions for electoral violations. Some opposition leaders have criticized the mediation process as hollow, saying that the ruling party would not accept any measures that would meaningfully improve the integrity of the electoral process.
- By March, all independent media and journalists' associations had withdrawn from the government's Working Group on Security and Protection of Journalists in protest of deteriorating media freedom and safety conditions. Independent journalists have increasingly experienced pressure, threats, and physical attacks, often at the hands of SNS-affiliated groups and individuals, with little response from the government.
- In October, the government resolved to form a temporary supervisory body to monitor media during the 2022 election cycle. Opposition groups have rejected this measure as ineffective, citing the continued persistence of widespread pro-SNS media bias.

POLITICAL RIGHTS: 21 / 40 (-1)

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected for up to two five-year terms. In 2017, then prime minister Aleksandar Vučić won the election with 55 percent of the vote in a field of 11 candidates. The campaign was characterized by media bias and allegations of misuse of public resources and vote buying. Vučić remained prime minister throughout that election period, blurring the line between official and electoral activities.

The prime minister is elected by the parliament. Vučić named Ana Brnabić, then the local government minister, to succeed him as prime minister following the 2017 presidential election. In October 2020, Brnabić was again confirmed to the post, after the SNS retained power in the June parliamentary elections.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The National Assembly is a unicameral, 250-seat legislature whose deputies are elected to four-year terms under a system of proportional representation with a single nationwide constituency. Parliamentary elections were held in Serbia, together with elections in the Autonomous Province of Vojvodina and several municipalities, in June 2020. Initially scheduled for April, they were postponed by a state of emergency put in place due to the COVID-19 pandemic.

The Aleksandar Vučić–For Our Children electoral list, led by the SNS, won 60.7 percent of the vote and 188 seats. The allied Socialist Party and its electoral-list partner, United Serbia, won a combined 32, while the Serbian Patriotic Alliance won 11. Ethnic minority

lists, which did not have to surpass the parliamentary threshold to attain representation, won the remaining seats.

Opposition groups that held seats in the previous parliament largely boycotted the June poll, saying the electoral environment was neither free nor fair. Several weeks before the poll was originally scheduled, the parliament reduced the voting threshold to win seats from five percent to three, in what was considered an effort to reduce the effectiveness of the opposition boycott. Turnout was 48.9 percent, the lowest since the introduction of multiparty elections in 1990.

Observers reported numerous irregularities during the campaign and on election day. The Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) noted that President Vučić's "continued engagement" as head of state and SNS leader "afforded him unparalleled public exposure, without clear differentiation of his roles." Progovernment parties benefited from a preponderance of television coverage, while voters—especially public-sector workers—were pressured to support the government, according to citizen observers. Parallel voter lists were used to track voters during the poll, while vote buying and the casting of multiple ballots by voters were also reported.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Electoral laws largely correspond to international standards, but aspects of the electoral process are poorly regulated, and implementation of existing rules is flawed in some respects. In its report on the June 2020 elections, ODIHR noted long-running concerns over electoral administration, dispute resolution, and the handling of electoral violations.

Electoral management is often nontransparent; laws, mechanisms, and regulations regarding voter-roll management, campaign finance, compliance with related financial restrictions, candidates' use of their own funds, and the public hearing of electoral challenges are either opaque or lacking.

In February 2020, the parliament enacted electoral amendments that reduced the threshold to win seats from five percent to three and introduced a 40 percent gender quota for party lists. The parliament's decision to lower the threshold weeks before the parliamentary elections were originally scheduled was regarded as an attempt to weaken an opposition boycott.

In 2021, members of European Parliament mediated several rounds of interparty dialogue on electoral conditions. The mediation resulted in the proposal of 16 measures intended to address existing deficits in political competition and increase confidence in the electoral process. Several opposition parties have rejected the proposal, believing it does not do enough to ensure fair electoral conditions ahead of the 2022 general, parliamentary, and Belgrade local elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties may be established freely and can typically operate without encountering formal restrictions. However, campaign finance regulations are weakly enforced and place no overall cap on the private funds raised and spent by parties and candidates. Following the 2017 presidential election, the OSCE reported that the Anti-Corruption Agency (ACA) had decreased the resources dedicated to proactively monitoring campaign funds and did not thoroughly investigate dubious donations. The Balkan Investigative Reporting

Network (BIRN) found that the SNS had orchestrated the use of thousands of proxy donors to bypass legal limits on individual donations and disguise the true source of funding.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4 (-1)

There have been peaceful transfers of power between rival parties over the past two decades, and the political system remains somewhat competitive. However, the SNS has used various tactics to unfairly reduce the opposition's electoral prospects. These include manipulating the timing of snap elections, exerting pressure on independent state institutions, and mobilizing public resources to support its campaigns.

The SNS has expanded its influence over the media through both state-owned enterprises and an array of private outlets that are dependent on government funding, and has harnessed this influence to strengthen its political position and discredit its rivals, further reducing opposition parties' competitiveness. In 2021, the European Parliament released a report highlighting the prevalence of state-sponsored disinformation campaigns, noting the undue constraints such activity places on the opposition. Opposition figures have also faced escalating harassment and violence in recent years.

Pervasive harassment, intimidation, and manipulation has resulted in suppressed political representation of opposition parties at any level. The SNS has established nearly complete dominance over state governance, and has gained local-level control of all but seven of 168 towns and municipalities.

Score Change: The score declined from 2 to 1 because opposition parties and leaders have faced continued harassment and intimidation, and because opposition parties hold no meaningful local positions.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Voters enjoy a significant degree of freedom to make political decisions without undue interference, though the ruling party and allied private businesses allegedly use patronage networks to influence political outcomes.

Various incentives have also been employed in recent years to convince hundreds of local elected officials to form alliances with the SNS or change their party affiliation after elections. SNS electoral campaigns have allegedly benefited from the misuse of public resources, such as use of public buses to transport loyalists to rallies. Local observers reported that workers at state-owned enterprises were pressured to support the ruling SNS during the June 2020 elections. SNS operatives have also been known to intimidate voters directly, by appearing at their homes and pressuring them to support the party.

Separately, Russia has been accused of attempting to influence Serbian politics through its state-owned media and an array of small pro-Russian parties, media outlets, and civil society groups in Serbia.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

The country's electoral threshold for parliamentary representation does not apply to parties representing ethnic minorities. Groups centered on the ethnic Albanian, Bosniak, and Hungarian communities won 19 parliamentary seats in the June 2020 elections. Nevertheless, ethnic minorities have a muted voice in Serbian politics in practice.

Women enjoy equal political rights and benefit from a party-list gender quota. Women won 38.8 percent of parliamentary seats in the June 2020 elections. Ana Brnabić became

Serbia's first woman and first gay prime minister in 2017, but critics argued that her appointment was a superficial bid to showcase claims of openness toward the LGBT+ community without systematic engagement on issues important to LGBT+ people.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Vučić's move to the presidency in 2017 raised new concerns about the personalization of governance and politicization of state institutions. Vučić has remained the dominant figure in government despite the presidency's limited executive powers under the constitution, creating a *de facto* presidential system. In October 2020, before a new government was finalized, Vučić announced that early parliamentary elections would be held in April 2022.

Moreover, the executive largely controls the legislative process, and opposition lawmakers are sidelined through the disproportionate use of disciplinary measures, frequent use of accelerated legislative procedures, and late changes to the legislative agenda, among other tactics.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Although the number of arrests and prosecutions for corruption has risen in recent years, high-profile convictions are very rare. Critics have credibly accused Vučić and the SNS government of having ties to organized crime, and cronyism—in the form of jobs provided to allies of the president and the ruling party—is reportedly common. The responsibility for prosecuting corruption cases has been passed among different public prosecutors, who typically fault the police for supplying insufficient evidence in cases against government ministers. The work of the ACA is also undermined in part by the ambiguous division of responsibilities among other entities tasked with combating corruption.

Notable cases that came to light in recent years without being resolved include those of Nenad Popović, a minister without portfolio who was implicated in a questionable privatization that caused an electrical transformer manufacturer to declare bankruptcy; Finance Minister Siniša Mali, whom anticorruption agencies have investigated for suspected money laundering; and Health Minister Zlatibor Lončar, who allegedly has links to an organized crime group.

Senior officials' close relatives and associates have also faced corruption allegations. For example, a series of reports and leaked documents since 2018 tied the father of then interior minister—now Defense Minister—Nebojša Stefanović to an arms-trading scheme and other malfeasance. Aleksandar Obradović, a whistleblower who implicated Stefanović's father in the purchase of arms from the state at reduced rates, was arrested in September 2019, potentially deterring others with knowledge of corruption from coming forward.

C3. Does the government operate with openness and transparency? 2 / 4

The government has received sustained criticism for a lack of transparency in large-scale infrastructure projects and for secrecy surrounding public tenders. For example, details about the state-funded Belgrade Waterfront project, which includes the construction of hotels and luxury apartments and has been beset by controversy since its announcement in 2012, have not been made available to the public. Serbian defense spending is also opaque. In August 2020, the International Monetary Fund (IMF) warned that government aid to the publicly owned Air Serbia was not sufficiently transparent in a regular report on IMF activity in the country.

Legislators do not have adequate opportunities to ask questions about government activities and legislation, and the vast majority of parliamentary questions go unanswered by the government.

Public officials are subject to asset disclosure rules overseen by the ACA, but penalties for violations are uncommon. While a 2004 freedom-of-information law empowers citizens and journalists to obtain information of public importance, authorities frequently obstruct requests in practice.

CIVIL LIBERTIES: 41 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16****D1. Are there free and independent media? 2 / 4**

Despite a constitution that guarantees freedom of the press and a penal code that does not treat libel as a criminal offense, media freedom is undermined by the threat of lawsuits or criminal charges against journalists for other offenses, lack of transparency in media ownership, editorial pressure from politicians and politically connected media owners, direct pressure and threats against journalists, and high rates of self-censorship. The Regulatory Body for Electronic Media (REM) has been criticized for a lack of independence. The incumbent political parties generally receive the majority of media coverage from public broadcasters.

The state and ruling party exercise influence over private media in part through advertising contracts and other indirect subsidies. Many private outlets are owned by SNS supporters. Some privately owned national broadcasters and popular tabloids regularly participate in smear campaigns against the political opposition and other perceived government opponents.

Independent investigative groups have been increasingly subjected to harassment, intimidation, and violence by authorities and progovernment groups. Several members of the ruling party have openly threatened journalists, and Vučić regularly and publicly disparages independent media outlets. Journalists have faced physical attacks, smear campaigns, and punitive tax inspections.

In March 2021, a journalist with the Crime and Corruption Reporting Network (KRIK), an independent investigative outlet, asked Vučić about the government's alleged connections to organized crime during a press conference; following that press conference, KRIK became the subject of a smear campaign by progovernment media and SNS-affiliated figures in a clear attempt to discredit the outlet's work. KRIK journalists have received death threats, and the organization has been targeted by numerous lawsuits that media watchdog groups claim are part of a strategic attempt to suppress KRIK's operational ability. International NGOs have condemned the systematic targeting of KRIK and have called on the authorities to put an end to the smear campaign.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, which is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom has largely been upheld, though recent practice and legal changes have raised concerns about political influence. The Law on Higher Education, adopted by the National Assembly in 2017, increased the presence of state-appointed members on the National Council for Higher Education and a national accreditation body; another education law, also adopted in 2017, gave the education minister centralized control over the appointment of school principals.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally free and vibrant, but a pattern of retribution against high-profile critics of the government has contributed to an increasingly hostile environment for free expression and open debate. Perceived government opponents, including journalists, university professors, civil society leaders, celebrities, and ordinary citizens, have faced smear campaigns in progovernment media outlets, criminal investigations, and other retaliatory measures in recent years. In some cases, the government's highest-ranking officials took part in discrediting nonpolitical figures based on their public criticism of government policies.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12 (-1)**E1. Is there freedom of assembly? 3 / 4**

Citizens are generally able to exercise freedom of assembly, though over 30 ongoing prosecutions were launched against activists associated with the protest movement *Ne damo Beograd* (Don't Drown Belgrade), which had organized demonstrations against the contentious development project on Belgrade's waterfront, in the recent past.

After the Vučić administration instituted a COVID-19-related lockdown in Belgrade in July 2020, thousands of demonstrators rallied against the announcement, the government's overall pandemic response, and Vučić's conduct as president. Riot police in Belgrade responded forcefully, targeting participants, bystanders, and journalists with physical attacks, chases, and tear gas. Protests, which were also held in several other cities, continued for several days after the government reversed its decision to initiate the lockdown.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4 (-1)

Foreign and domestic nongovernmental organizations generally operate freely, but those that take openly critical stances toward the government or address sensitive or controversial topics have faced threats and harassment in recent years.

In November 2020, UN human rights experts warned that Serbian authorities had misused money-laundering laws and antiterrorism-financing mechanisms in order to obtain the banking information of more than 50 NGOs and their employees. Those targeted include NGOs engaged in monitoring of the government's work, human rights promotion, and investigative journalism.

Score Change: The score declined from 3 to 2 due to the revelation that the government misused money-laundering and terrorism-financing laws to obtain financial information on NGOs and NGO workers.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers may legally join unions, engage in collective bargaining, and strike, but the International Trade Union Confederation has reported that organizing efforts and strikes are often restricted in practice, with employers allegedly retaliating against workers and union activists.

F. RULE OF LAW: 9 / 16**F1. Is there an independent judiciary? 2 / 4**

The independence of the judiciary is compromised by political influence over judicial appointments, and many judges have reported facing external pressure regarding their

rulings. Politicians regularly comment on judicial matters, including by discussing ongoing cases or investigations with the media.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process guarantees are upheld in some cases, but corruption, lack of capacity, and political influence often undermine these protections. Among other problems, rules on the random assignment of cases to judges and prosecutors are not consistently observed, and mechanisms for obtaining restitution in civil matters are ineffective. High-profile, politically sensitive cases are especially vulnerable to interference.

In July 2020, an appeals court overturned the convictions of four security officials for the 1999 killing of journalist Slavko Ćuruvija, after the court found that the 2019 verdicts violated criminal procedure. In a December 2021 retrial, the Higher Court in Belgrade convicted the four former state security officers of Ćuruvija's murder.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is generally free from major threats to physical security, though some prison facilities suffer from overcrowding, abuse, and inadequate health care. Radical right-wing organizations and violent sports fans who target ethnic minorities and other perceived enemies also remain a concern.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Legal safeguards for socially vulnerable groups are poorly enforced. For example, women are legally entitled to equal pay for equal work, but this rule is not widely respected. The Romany minority is especially disadvantaged by discrimination in employment, housing, and education. LGBT+ people continue to face hate speech, threats, and even physical violence, and perpetrators are rarely punished despite laws addressing hate crimes and discrimination. The government has made some gestures of support for the rights of LGBT+ people, for example by sending representatives to pride events and ensuring adequate police protection for parades.

Individuals living with disabilities are among those who live in social care institutions, and have faced protracted periods of isolation as the COVID-19 pandemic progressed. Disability rights groups have warned this situation violates the Convention on the Rights of Persons with Disabilities, to which Serbia is a signatory.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no formal restrictions on freedom of movement. Serbians are free to change their place of employment and education, and have the right to travel.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

In general, property rights are respected, but adjudication of disputes is slow, and problems such as illegal construction and fraud persist. An estimated two million buildings in Serbia are not registered. Romany residents are often subject to forced evictions, and those evicted are generally not offered alternative housing or access to legal remedies to challenge eviction notices.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected, and men and women have equal legal rights on personal status matters like marriage and divorce. A new law aimed at preventing domestic violence took effect in 2017, but such violence remains a problem.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Residents generally have access to economic opportunity, but factors such as weak macroeconomic growth and a relatively high rate of unemployment contribute to labor exploitation in some industries. Several reports in recent years have described worsening conditions in factories, particularly those that produce shoes and garments, including low wages, unpaid overtime, and hazardous work environments. Legal protections designed to prevent such abuses are not well enforced. Serbian and international NGOs have also issued reports regarding persistent human rights violations of migrant workers across the country, which often go unaddressed by authorities.

Seychelles

Population: 100,000

Capital: Victoria

Freedom Status: Free

Electoral Democracy: Yes

Overview: Seychelles has seen an increase in political pluralism in recent years, with an opposition coalition winning a parliamentary majority in 2016 and an opposition presidential candidate winning in 2020. However, government corruption remains a problem, as does lengthy pretrial detention. Migrant workers remain vulnerable to abuse.

KEY DEVELOPMENTS IN 2021

- In October, the National Assembly decriminalized defamation by striking two sections of the penal code.
- Also in October, finance ministers of European Union (EU) member states agreed to remove Seychelles from the bloc's list of foreign tax havens. Observers criticized the decision, noting the involvement of Seychellois firms in the transfer of offshore wealth.
- In November, Seychellois authorities arrested businessman Mukesh Valabhji and his wife on suspicion of embezzling funds donated by the United Arab Emirates (UAE) in 2002. Authorities also accused Sarah Zarqani-René, the widow of late president France-Albert René, along with a military officer and two former government officials of involvement. The case was ongoing at year's end.

POLITICAL RIGHTS: 34 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is chief of state and head of government; the winning candidate is directly elected for up to two five-year terms. The president nominates cabinet ministers and a vice president, all of whom require approval from the National Assembly.

Then vice president Danny Faure became president when James Michel of the People's Party (PL) resigned as president in 2016. Michel had been narrowly reelected in 2015 in a contest marred by vote-buying allegations. In late 2019, Faure was endorsed by the PL, renamed United Seychelles (US), to contest the October 2020 presidential election. Faure lost to Seychelles Democratic Alliance (LDS) candidate Wavel Ramkalawan, who received 54.9 percent of the vote. The election marked the first opposition victory in a presidential contest in Seychellois history.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral National Assembly are directly elected in 26 constituencies, while up to 9 additional seats are assigned by parties according to a proportional calculation of the vote.

The LDS won 25 seats in the October 2020 elections, which were held concurrently with the presidential contest. US won the remaining 10. Observers called the elections free and fair, though they did receive reports alleging misuse of state resources.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The Electoral Commission (EC) has faced criticism from opposition parties and others for enforcing its mandates inconsistently. The 2016 African Union election monitoring mission called for more transparency, better voter-roll scrutiny, and an improved process to inform the public about voter registration. In 2018, then president Faure approved an Elections Act amendment establishing a permanent chief electoral officer. The amendment was intended to alleviate concerns about the efficiency of the previous system, in which a chief electoral officer was appointed a few months before an election.

Electoral-law amendments that, among other things, provide a clearer definition of what is considered a spoiled ballot, were approved in 2020.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no restrictions on the right to organize political parties or other competitive political groupings. However, during the 2015 presidential election, several opposition parties claimed the government was engaged in systematic harassment and intimidation of candidates.

Political party One Seychelles, which was founded in 2019, fielded presidential and legislative candidates in the 2020 elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The LDS, an alliance of opposition parties, became the first political group to defeat the PL and gain a legislative majority in 2016, reflecting increasing political pluralism in Seychelles. Ramkalawan became the first non-US candidate to win a presidential election in October 2020.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Political choices are generally free from domination by powerful groups that are not democratically accountable. However, vote buying and voter intimidation by political parties have been reported.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The constitution mandates equal suffrage for adult citizens. Early voting procedures are designed to encourage the participation of some groups, including pregnant people, the elderly, and those with disabilities.

There are still no mechanisms to allow citizens living abroad to vote. Few women hold senior political office because of factors including longstanding traditional beliefs about the role of women and a lack of commitment on the part of political parties to nominate women for office. US is the only party that typically includes high numbers of women among its candidates. Women hold 22.9 percent of National Assembly seats. Political life is dominated by people of European and South Asian origin.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The head of government and national legislative representatives are generally able to determine policy, though widespread corruption can influence policymaking. Executive and legislative officials were elected under freer and fairer circumstances in 2020, bolstering the democratic legitimacy of their decisions.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Concerns about government corruption persist, but there has been significant improvement. In 2016, the National Assembly passed an anticorruption law that established the country's first independent Anti-Corruption Commission (ACC) and strengthened Seychelles's legal anticorruption framework. In 2019, the National Assembly amended the anti-corruption law to increase the number of ACC commissioners, clarify its strength, explicitly give it investigative powers, and enhance its law enforcement provisions.

Seychelles was previously included in an EU list of foreign tax havens. EU finance ministers removed Seychelles from the list in October 2021, citing progress regarding its taxation regime. Observers criticized the decision, citing that month's revelation that Seychellois firms facilitated the transfer of offshore wealth per the Pandora Papers, an investigation by the International Consortium of Investigative Journalists that revealed the improper financial system and connections of rich and powerful actors around the world.

In November 2021, Seychellois authorities arrested businessman Mukesh Valabhji and his wife on suspicion of embezzling a \$50-million donation provided by the UAE in 2002. Authorities also accused Sarah Zargani-René, along with a military officer and two former government officials, of involvement. The case was ongoing at year's end.

C3. Does the government operate with openness and transparency? 2 / 4

Laws allowing public access to government information are inconsistently followed. Some government officials are required to declare assets, but they do not always comply. Declarations are not made public unless a legal challenge forces their release. The Access to Information Act of 2018 seeks to increase openness and transparency of government; Article 54 created an Information Commission, established in 2019, to provide government

information and resources to citizens for particular disclosures. It can impose fines when citizens are not provided information in a given time frame.

Concerns about corruption often focus on a lack of transparency in the privatization and allocation of government-owned land, as well as in Seychelles's facilitation of international finance.

CIVIL LIBERTIES: 45 / 60 (+2)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16 (+2)

D1. Are there free and independent media? 3 / 4 (+1)

The Seychelles Media Commission Act of 2010 establishes relatively strict guidelines for journalists. Several newspapers exist besides the state-owned daily, the *Seychelles Nation*. A publicly owned broadcaster provides television and radio programming alongside a private television station and two private radio stations. The law prohibits political parties and religious organizations from operating public radio broadcasts.

In the past, media workers practiced a degree of self-censorship to protect their advertising earnings and to avoid the application of strict—but rarely enforced—defamation laws. In addition, since Victoria seeks to maintain Seychelles's image as ideal for tourism, many outlets would temper their commentary on sensitive national issues. However, self-censorship has declined in recent years. In October 2021, the National Assembly decriminalized defamation when it struck two sections of the penal code.

Score Change: The score improved from 2 to 3 due to the parliament's decriminalization of defamation and a gradual reduction in self-censorship and political pressure among the media in recent years.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected. The government grants larger religious groups programming time on state radio, subject in most cases to advance review and approval. Smaller religious groups do not have access to dedicated broadcast time. Non-Catholic students in public schools providing Catholic instruction have no access to alternative activities during those classes.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4 (+1)

The charter of the University of Seychelles enshrines academic freedom, while the constitution indirectly references academic freedom. A 2016 study from the International Labour Organization (ILO) and the United Nations Education, Scientific, and Cultural Organization (UNESCO) recognized Seychelles as having high compliance in institutional autonomy, tenure, individual rights, and democratic structure in the country's two universities.

In the past, some activists have claimed that educators have had to demonstrate at least nominal loyalty to the PL, which previously controlled the executive and legislative branches, to reach senior bureaucratic positions. Since the 2020 transition of power, no reports of such behavior have surfaced.

Score Change: The score improved from 3 to 4 because there were no reports that educators' career advancement depended on political loyalty, as was alleged during the PL's decades in government prior to 2020.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

As the government seeks to protect the tourism sector, many sensitive subjects are considered off limits. Individuals who criticize the government publicly or privately sometimes suffer reprisals, such as harassment by police or the loss of jobs or contracts.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12**E1. Is there freedom of assembly? 3 / 4**

The government passed a revised public-assembly law in 2015, which several observers credited with permitting a more open and free political environment. However, the law still contains some restrictive provisions, including the need to give five days' notice to the police for assemblies. It also empowers the head of police to disperse public meetings on grounds of preserving public health, morality, and safety, and sets conditions on the timing and location of large gatherings. In 2019, the government established a "Speaker's Corner" in Victoria, where individuals are allowed to make public comments at will.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Human rights groups and other nongovernmental organizations operate without restriction. However, some groups lack the resources necessary to operate and advocate effectively.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Unions are permitted, but only about 15 percent of the workforce is unionized, and collective bargaining is relatively rare. Workers have the right to strike, but only if all other arbitration procedures have been exhausted.

F. RULE OF LAW: 11 / 16**F1. Is there an independent judiciary? 2 / 4**

Judges sometimes face interference in cases involving major commercial or political interests. Seychelles, which has few legal professionals, relies on expatriate judges who serve fixed-term contracts on the Supreme Court. The government controls the negotiations and renewal of expatriate contracts, potentially allowing officials to compromise the impartiality of the non-Seychellois magistrates. The judiciary also lacks budgetary independence from the executive and can be subject to external influence. The Supreme Court remains a target of political threats and intimidation.

F2. Does due process prevail in civil and criminal matters? 3 / 4

While constitutional rights to due process are generally respected, prolonged pretrial detention is common. The courts introduced new systems in 2016 to expedite the processing of cases, but their effect has been limited.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Security forces have occasionally been accused of using excessive force, and impunity for such offenses remains a problem. Police corruption continues, particularly the solicitation of bribes. Prisons remain overcrowded.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Same-sex sexual activity was decriminalized in 2016, though societal discrimination against LGBT+ activists remains a problem. Prejudice against foreign workers has been reported.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The government does not restrict domestic travel but may deny passports for arbitrary reasons based on “national interest.”

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals may generally exercise the right to own property and establish private business without undue interference from state or nonstate actors. An underdeveloped legal framework can hamper business activities, as can corruption.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Inheritance laws do not discriminate against women, and the government does not impose explicit restrictions on personal social freedoms. However, domestic violence against women remains a problem.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Economic life is dominated by people of European and South Asian origin. The government has made only some progress in preventing or prosecuting instances of human trafficking and labor exploitation. Worker rights in the Seychelles International Trade Zone are different from the rest of the islands, and migrant laborers are vulnerable to abuse there. There were some reports of employers seizing migrant workers’ passports upon arrival, a practice that is not currently illegal under Seychellois law.

Bangladeshi workers have faced human-trafficking abuses like the seizure of travel documents, unpaid work, and extreme labor exploitation. In 2019, the Seychellois and Bangladeshi governments signed an agreement to regulate the recruitment of Bangladeshi workers. Under its terms, designated organizations will assess employment contracts and the language skills of prospective workers.

In its *Trafficking in Persons Report 2021*, the US State Department noted that Seychellois authorities secured their first sex-trafficking conviction under a 2014 antitrafficking law. The State Department also noted an increase in resources for survivors, though Seychelles still lacks shelters that provide comprehensive services.

Sierra Leone

Population: 8,100,000

Capital: Freetown

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Sierra Leone has held regular multiparty elections since the end of its civil war in 2002. However, opposition parties have faced police violence and restrictions on assembly.

Civic groups are constrained by onerous regulations and government corruption remains pervasive. Other long-standing concerns include gender-based violence and female genital mutilation (FGM).

KEY DEVELOPMENTS IN 2021

- In November, the government of President Julius Maada Bio suspended Auditor General Lara Taylor-Pearce. Taylor-Pearce reported that no specific reason for her suspension was given, while civil society groups criticized the Bio administration's move. Taylor-Pearce remained suspended as of year's end.
- Parliament voted to abolish the death penalty in July and President Bio signed the subsequent law banning the practice in October. Some 99 people facing the death penalty as of July reportedly benefited from the change.

POLITICAL RIGHTS: 28 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected by popular vote for up to two five-year terms. In the March 2018 presidential election, Julius Maada Bio of the Sierra Leone People's Party (SLPP) defeated Samura Kamara of the incumbent All People's Congress (APC) and succeeded term-limited predecessor Ernest Bai Koroma. Bio won nearly 52 percent of the vote in the second round. Allegations of violence and voter intimidation marred the campaign period. Nevertheless, international observers determined that the election was credible, praising the National Election Commission (NEC) for effectively fulfilling its duties despite budget constraints, logistical challenges, and pressure from the government, which disbursed election funds late and occasionally threatened to withhold resources.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

In the unicameral Parliament, 132 members are popularly elected and 14 seats are reserved for indirectly elected paramount chiefs. Parliamentary elections are held every five years, concurrently with presidential elections. During the 2018 polls, the APC retained its majority, winning 68 seats, while the SLPP increased its share to 49 seats. The remaining 15 seats were won by smaller parties and independents. Despite some procedural errors, international observers considered the elections credible.

In April 2018, APC members of Parliament (MPs) staged a walkout over the SLPP's efforts to prevent a group of APC lawmakers from attending the body's first postelectoral session. In May 2019, the High Court ruled in favor of an SLPP petition alleging APC electoral fraud in the 2018 vote. Ten MPs were removed from office and nine seats were immediately given to SLPP runners-up, giving that party a slender effective majority.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The electoral laws and framework are generally deemed to be fair. NEC commissioners are selected by the president, though the parliament must approve appointments. European Union electoral observers reported that the NEC was "competent and impartial" in administering the 2018 elections. In November 2021, however, the APC criticized the NEC's handling of a local contest held in Koinadugu the month before; it alleged that NEC staff engaged in fraud that benefited the SLPP.

During the 2018 campaign period, the major political parties interpreted a constitutional citizenship provision to exclude people with dual citizenship from standing for office. However, a September 2021 Supreme Court ruling declared that dual citizens can vote and seek office.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

Although people have the right to organize in different political parties, opposition parties and leaders have faced intimidation and harassment from APC and SLPP governments. In December 2021, Unity Party chairwoman Femi Claudius-Cole was detained over comments she made regarding the midterm census, though she was released after several days. APC politician Diana Konomanyi was also detained, though she was more quickly released without charge.

The APC and SLPP are the country's main political parties. Seventeen parties officially registered for the 2018 elections but only four won parliamentary seats. In 2017, several high-profile figures left the SLPP to form the National Grand Coalition.

While candidate nomination fees are subsidized, the costs of running for office and a rule requiring public-sector personnel to resign 12 months ahead of an election serve as barriers to entry for many candidates, giving an advantage to larger parties and those with greater resources.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The SLPP's presidential victory in 2018, despite the APC's continued use of public resources during the campaign, marked the second peaceful transfer of power between rival parties since the end of the civil war in 2002. The APC had won the 2007 and 2012 presidential elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Sierra Leoneans generally enjoy freedom in their political choices, although traditional chiefs and religious leaders exercise influence on voters. Local elites from both major parties often control the selection of candidates for Parliament.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic and religious minorities typically enjoy full political rights and electoral opportunities. Societal impediments to women's political participation remain a challenge, with only 18 of 146 Parliament seats held by women in 2021.

Sierra Leoneans who are not of African descent do not have birthright citizenship and must be naturalized to be able to vote.

The SLPP and APC have accused each other of engaging in ethnic discrimination when appointing employees to government agencies.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The elected president and Parliament generally determine government policy, but most power lies with the executive.

The country relies on Chinese and Turkish support for large-scale infrastructure projects. In 2020, President Bio announced an airport expansion project that would be completed by a Turkish firm. In December 2021, Bio said Turkish firms would be “favorably considered” for investment opportunities during a summit hosted by Turkish president Recep Tayyip Erdoğan.

Beijing cultivated a close relationship with the Koroma administration, which led civil society leaders to claim that Beijing had an undue influence on policymaking. The Bio administration’s relationship is relatively distant; in 2018, it cancelled a Koroma-era plan to build an airport that would have been funded with a Chinese loan. In May 2021, however, the government approved a plan to build an industrial harbor with Chinese backing.

International organizations have also influenced policymaking. For example, the International Monetary Fund (IMF) provided the country a support package in 2018; under its terms, Freetown was to end fuel subsidies.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains pervasive at every level of government. Rates of bribery remain high among ordinary citizens seeking basic services.

The Bio administration has made efforts to tackle systemic corruption and hold perpetrators from the previous government accountable. However, the Anti-Corruption Commission’s (ACC) efforts have largely focused on recouping stolen wealth over securing convictions. The ACC has recovered 31 billion leones (\$3 million) since 2018.

In November 2021, the government suspended Auditor General Lara Taylor-Pearce and committed to form a tribunal over her performance, though Taylor-Pearce reported she was not informed of a specific allegation. The Sierra Leone Association of Journalists and the Institute of Governance Reform criticized the government over the suspension, which remained in effect at year’s end. The auditor general’s office noted financial inconsistencies in several government agencies, including the president’s office, when it released its annual report in December.

Commissions of Inquiry (CoI) into Koroma-era corruption, which investigated 127 former officials, presented significant evidence of malfeasance to President Bio in 2020. In January 2021, the attorney general’s office reported that 85 individuals had appealed the CoI’s findings. Many appeals were successful; in April, former lands and country planning minister Alhaji Musa Tarawally won an appeal, while former local government minister Diana Konomanyi won her appeal in June. Former health minister Miatta Kargbo lost her appeal in July, however. Appeals of the CoI’s findings were still being considered at year’s end.

C3. Does the government operate with openness and transparency? 3 / 4

Sierra Leone has an uneven record on transparency. The Right to Access Information Commission was created in 2013 to facilitate transparency and openness in government, but its effectiveness has been hampered by lack of funding and limited public outreach. Transparency in public procurement processes was raised as a concern in the Audit Service Sierra Leone’s December 2021 report.

The government continues to review and make public all mining and lease agreements, retaining its Extractive Industries Transparency Initiative (EITI) compliance designation. Its 2019 compliance report assessed it as having made meaningful but not satisfactory progress on all requirements. EITI will next validate the government’s compliance in April 2022.

CIVIL LIBERTIES: 37 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16****D1. Are there free and independent media? 2 / 4**

Numerous independent newspapers circulate freely, and there are dozens of public and private radio and television outlets. However, public officials have previously employed libel and sedition laws to target journalists, particularly those reporting on elections and high-level corruption.

Part V of the 1965 Public Order Act, which criminalized libel and sedition, was repealed in 2020 and was replaced by Independent Media Commission (IMC) Act, which was gazetted that August. The IMC Act was criticized by some observers who warned that it would no longer allow the registration of newspapers as sole proprietorships.

In December 2021, a camera operator working for AYV Media was physically attacked and detained by police officers in Freetown when he solicited a comment on a police pursuit earlier in the day.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally protected and respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally upheld, but strained resources within the university system have led to strikes by professors. Student protests have been violently dispersed by security forces in recent years.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion remains largely open, though freedom of personal expression may be affected by the threat of violence from powerful interests. While authorities reportedly monitor discussions on social media platforms, including WhatsApp, few arrests have been made for online discussions or comments.

Journalists voiced concerns over the breadth of a draft cybercrime bill that was considered in 2020. Parliament passed an amended cybercrime bill that addressed some of the media sector's concerns in June 2021 and President Bio gave his assent in November.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12**E1. Is there freedom of assembly? 2 / 4**

While freedom of assembly is constitutionally guaranteed, the police have repeatedly refused to grant permission to organizers planning protests, and peaceful demonstrations have been violently dispersed in recent years. In April 2021, motorbike taxi drivers in Freetown protested against ongoing restrictions and allegedly corrupt behavior from police officers. While officers responded violently, no casualties were recorded.

Assemblies were affected by the COVID-19 pandemic, though the related state of emergency was lifted in March 2021. Public gatherings were limited to 50 participants in June and an overnight curfew went into effect nationwide in July as cases rose. These restrictions ended in September.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

A variety of nongovernmental organizations (NGOs) and civic groups operate in the country. However, stricter regulations took effect in 2018, requiring annual renewal of registrations and ministerial approval for projects. The SLPP government upheld the policy after a 2018 review. Many NGOs expressed dissatisfaction with the review's lack of transparency and inclusivity, and concern over the narrowing of space for civil society.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While workers have the right to join independent trade unions, there are no laws preventing discrimination against union members or prohibiting employers from interfering with the formation of unions.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

While the constitution provides for an independent judiciary, the courts are prone to executive interference, particularly in corruption cases. A lack of clear procedures for appointing and dismissing judges leaves those processes vulnerable to abuse. Judicial corruption, poor salaries, and inadequate resources also undermine judicial autonomy.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Resource constraints and a shortage of lawyers hinder access to legal counsel. Although the constitution guarantees a fair trial, this right is sometimes limited in practice, largely due to corruption. Pretrial and remand prisoners spend between three and five years behind bars on average before their cases are adjudicated. Police can hold criminal suspects for several days without charge and sometimes engage in arbitrary arrests.

The 1991 constitution allowed for capital punishment, but Parliament voted to abolish the death penalty in July 2021. President Bio signed the law banning the practice in October. Some 99 people were facing the death penalty as of July and reportedly benefited from the change.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Detention facilities are under strain. Prisons fail to meet basic health-and-hygiene standards, and infectious disease is prevalent.

Police, who are poorly paid and minimally trained, are rarely held accountable for their actions, even when they turn to violence. Civilians can report ill-treatment to the Police Complaints, Discipline, and Internal Investigations Department or the Independent Police Complaints Board, though these agencies have limited capacity and efficacy.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

LGBT+ people face discrimination in employment and health-care access and are vulnerable to violence. Sex between men is criminalized under a colonial-era law, and anti-LGBT+ discrimination is not explicitly prohibited by the constitution. Women experience discrimination in employment, education, and access to credit.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Sierra Leoneans generally enjoy freedom of movement, though this was affected by the ongoing COVID-19 pandemic. The government loosened cross-border travel restrictions early in 2021 but imposed a nighttime curfew between July and September.

Petty corruption is common, and parents often must pay bribes to register their children in primary and secondary school.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The government has sought to reduce regulatory barriers to private business in recent years. Property rights are constitutionally guaranteed, though the laws do not effectively protect those rights. There is no land titling system. Outside of Freetown, land falls under customary law, and its use is determined by chiefs. The government often fails to regulate the activities of international investors, exacerbating threats to property rights.

Laws passed in 2007 grant women the right to inherit property, but many women have little power to contest land issues within the customary legal system.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Reports of rape and domestic violence rarely result in conviction, and the police unit responsible for investigating and prosecuting these crimes remains underfunded and understaffed. In 2019, Parliament passed the Sexual Offences Amendment Act, which allows life sentences for those convicted of raping a child.

FGM is not prohibited by law, and the practice remains widespread. A 21-year-old woman died of suspected complications from the practice in December 2021.

Child marriage has consistently been a problem, with a reported 39 percent of women aged 20–24 having been married by age 18 according to a report published by the Office of the UN High Commissioner for Human Rights in 2017. In 2020, the International Rescue Committee published the results of a survey of women in 15 African countries, including Sierra Leone; that survey recorded a rise in sexual violence and in early or forced marriages when COVID-19 restrictions were imposed.

Women experience discrimination on personal status matters such as marriage and divorce. Customary law governs many of these issues, making it difficult for women to seek legal recourse.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Reports of economic exploitation among workers in the natural-resource sector are common. Human trafficking remains a problem, though US State Department's *Trafficking in Persons Report 2021* noted that authorities were doing more to investigate trafficking and prosecute suspects through the adoption of an antitrafficking action plan. The first trafficking convictions in 15 years were secured in 2020, but only one conviction has followed as of June 2021.

Singapore

Population: 5,700,000

Capital: Singapore

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Singapore's parliamentary political system has been dominated by the ruling People's Action Party (PAP) and the family of current prime minister Lee Hsien Loong

since 1959. The electoral and legal framework that the PAP has constructed allows for some political pluralism, but it constrains the growth of opposition parties and limits freedoms of expression, assembly, and association.

KEY DEVELOPMENTS IN 2021

- The government placed legal pressure on independent news sites during the year. In September, the police issued a “stern warning” against New Naratif and its managing editor, Thum Ping Tjin, over its publication of unauthorized electoral advertisements in 2020. In October, the country’s media regulator cancelled the Online Citizen’s license after that outlet allegedly refused to report on its funding.
- In October, Parliament passed the wide-ranging Foreign Interference (Counter-measures) Act (FICA). FICA allows the home affairs minister to order the removal of online content, while internet service providers (ISPs) and social media operators can be compelled to provide information on their users.
- Residents of workers’ dormitories were subjected to heightened COVID-19-related movement restrictions for much of the year. In September, the government allowed dormitory residents to visit preapproved public locations and further loosened restrictions in October and December.

POLITICAL RIGHTS: 19 / 40

A. ELECTORAL PROCESS: 4 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The government is led by a prime minister and cabinet formed by the party that controls Parliament. Prime Minister Lee Hsien Loong has been in power since 2004. While polling-day procedures are generally free of irregularities, numerous structural factors impeded the development of viable electoral competition.

The president, whose role is largely ceremonial, is elected by popular vote for six-year terms, and a special committee is empowered to vet candidates. Under 2016 constitutional amendments on eligibility, none of Singapore’s three main ethnic groupings (Chinese, Malays, and Indians or others) may be excluded from the presidency for more than five consecutive terms, and presidential candidates from the private sector, as opposed to senior officials with at least three years of service, must have experience leading a company with at least S\$500 million (US\$372 million) in shareholder equity. PAP-backed Halimah Yacob was the only eligible candidate in the 2017 presidential election, making her the winner by default.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Following a March 2020 recommendation by the Electoral Boundaries Review Committee (EBRC), the number of directly elected seats in the unicameral Parliament was increased from 89 to 93. The Parliament elected that July consequently included 14 members from single-member constituencies and 79 members from Group Representation Constituencies (GRCs). The top-polling party in each GRC wins all of its four to five seats, which has historically bolstered the PAP’s majority. As many as nine additional, nonpartisan members can be appointed by the president, and a maximum of another 12 can come from a national compensatory list meant to ensure a minimum of opposition representation. Members serve five-year terms, with the exception of appointed members, who serve for two and a half years.

In the 2020 elections, the PAP secured 61.2 percent of the popular vote and 83 of the 93 directly elected seats. The largest opposition group, the Workers' Party, retained the 6 elected seats it had won in 2015 and gained an additional 4, for a total of 10. The opposition also received 2 compensatory seats to achieve the minimum of 12.

Elections are largely free of fraud or other irregularities, but are unfair due to the advantages enjoyed by the PAP, including a progovernment media sector, the GRC system, high financial barriers to electoral candidacy, and legal restrictions on free speech.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Singapore lacks an independent election commission; the country's Elections Department (ED) is a government body attached to the Prime Minister's Office. The secretary to the prime minister is the head of the EBRC, which reviews and redraws constituency boundaries. In the past, the PAP-controlled boundaries process has ensured an advantage for the party. The new electoral districts for the 2020 elections were announced just four months before the polls were held. The electoral framework suffers from other features—including the GRC system and the onerous eligibility rules for presidential candidates—that favor the PAP-dominated political establishment.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Singapore has a multiparty political system, and 11 parties contested the 2020 parliamentary elections. However, a variety of factors have helped to ensure the PAP's dominant position, including an electoral framework that favors incumbents, restrictions on political films and television programs, the threat of defamation suits, the PAP's vastly superior financial resources, and its influence over the mass media and the courts.

The Protection from Online Falsehoods and Manipulation Act (POFMA)—which allows any government minister to order correction notices or restrict access to content they deem false or contrary to the public interest—was repeatedly invoked to require corrections regarding comments by opposition candidates during the 2020 campaign period. Separately, the ED banned large public rallies during that period, citing the COVID-19 pandemic.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The PAP has governed without interruption since 1959; changes in the country's leadership can be prompted by shifts within the ruling party. In April 2021, Deputy Prime Minister Heng Swee Keat resigned as finance minister and as head of the PAP's "fourth-generation" leadership team, ruling himself out as a successor to Lee.

The opposition mounts stronger election campaigns than in the past. Opposition factions collectively put forward candidates for all directly elected Parliament seats in 2020, having done so for the first time in 2015, and ultimately gained four.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

The corporatist structure of the economy creates dense ties between business and political elites that have been criticized as oligarchic in nature. These networks contribute to the PAP's political dominance.

Many senior government officials formerly served as military officers, and the military has a close relationship with the PAP, but it does not directly engage in politics.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Ethnic Chinese Singaporeans make up a majority of the population. Members of minority groups, including Malays and people of Indian descent, have full voting rights, but critics—including academics and nongovernmental organizations (NGOs)—have questioned whether the GRC system achieves its stated aim of ensuring minority representation. Separately, the rules for presidential candidacy have been criticized for excluding non-Malays from the 2017 election. Malays are generally underrepresented in leadership positions.

Women remain underrepresented in senior government and political positions, though women candidates won 27 of the 93 directly elected Parliament seats in 2020, up from 21 out of 89 in 2015, and the president who took office in 2017 is a woman. The cabinet that took office after the May 2021 reshuffle included three female ministers.

LGBT+ interest groups operate and are generally tolerated, but they have no vocal parliamentary representation; open LGBT+ identity can be a barrier to election in practice, in part because sex between men remains a criminal offense.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Elected officials determine the government's policies, but the PAP's political and institutional dominance ensures its victory at the polls, and the party leadership maintains discipline among its members. The constitution stipulates that lawmakers lose their seats if they resign or are expelled from the party for which they stood in elections, inhibiting Parliament's ability to serve as an effective check on the executive.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Singapore has been lauded for its lack of bribery and corruption. However, its corporatist economic structure entails close collaboration between the public and private sectors that may produce conflicts of interest. Lawmakers often serve on the boards of private companies, for example. Ho Ching, Prime Minister Lee's wife, served as chief executive of Temasek Holdings, a government-linked corporation and sovereign wealth fund, for 17 years; the relationship prompted accusations of nepotism and cronyism. In February 2021, Ho announced she would leave that role in October; Ho joined the board of the Temasek Trust, the corporation's philanthropic arm, the day she left.

C3. Does the government operate with openness and transparency? 2 / 4

The government provides limited transparency on its operations. The Singapore Public Sector Outcomes Review is published every two years and includes metrics on the functioning of the bureaucracy; regular audits of public-sector financial processes are also made accessible to the public. However, other data, including key information on the status of the national reserves, are not made publicly available, and there is no freedom of information law giving citizens the right to obtain government records.

A lack of transparency surrounded the activities and salary of Ho Ching in her role at Temasek Holdings.

CIVIL LIBERTIES: 28 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16 (-1)**D1. Are there free and independent media? 1 / 4 (-1)**

All domestic newspapers, radio stations, and television channels are owned by government-linked companies. Editorials and news coverage generally support state policies, and self-censorship is common, though newspapers occasionally publish critical content. The government uses racial or religious tensions and the threat of terrorism to justify restrictions on freedom of speech. Media outlets, bloggers, and public figures have been subjected to harsh civil and criminal penalties for speech deemed to be seditious, defamatory, or injurious to religious sensitivities. Major online news sites must obtain licenses and respond to regulators' requests to remove prohibited content. However, foreign media and a growing array of online domestic outlets—including news sites and blogs—are widely consumed and offer alternative views.

The government placed continued legal pressure on online outlets during 2021. In March, New Naratif managing director Thum Ping Tjin was interrogated by police; he had previously been interrogated in 2020 after New Naratif ran unauthorized election advertisements. The government declined to prosecute either Thum or Observatory Southeast Asia, the site's publisher, instead issuing a "stern warning" in September 2021. In May, the government invoked POFMA against the Online Citizen after it reported on police officers' apparent mistreatment of a woman who was not wearing a face mask. In September, the Infocomm Media Development Authority (IMDA), the country's media regulator, suspended the site's license over its alleged refusal to report on its funding sources and cancelled its license altogether in October.

Staff members of the Online Citizen also faced legal action during 2021; in September, the High Court issued S\$210,000 (US\$156,000) in combined damages against chief editor Terry Xu Yuanchen and staff member Rubaashini Shunmuganathan over a 2019 article reporting on Prime Minister Lee's relationship with his siblings. In November, Xu was convicted of criminal defamation for publishing a letter that alleged official corruption in 2018.

Score Change: The score declined from 2 to 1 because the authorities increased legal pressure on independent online media, in part by suspending the license of and forcing the closure of one prominent outlet.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion as long as its practice does not violate any other regulations, and most groups worship freely. However, religious actions perceived as threats to racial or religious harmony are not tolerated, and the Jehovah's Witnesses and the Unification Church are banned. Religious groups are required to register with the government under the 1966 Societies Act.

Muslim religious teachers must be certified by the Asatizah Recognition Board, a body of religious scholars under the purview of the state's Islamic Religious Council of Singapore. The system is seen as an effort to ensure that only state-approved forms of Islam are taught.

In August 2021, Prime Minister Lee announced that the government would allow public-sector Muslim nurses to wear the tudung (headscarf) while on duty.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Public schools include a national education component that has been criticized for presenting a history of Singapore that focuses excessively on the role of the PAP. All

public universities and political research institutions have direct government links that enable political influence and interference in hiring and firing; recent faculty turnover at two major universities has increased concerns about political pressure. Self-censorship on Singapore-related topics is common among academics, who can face legal and career consequences for critical speech.

A study by AcademiaSG, a network of Singaporean academics, published in August 2021 found that 16 percent of respondents did not feel free to select their preferred research area. In addition, more female respondents said they were unable to pursue certain projects than their male counterparts.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

While there is some space for personal expression and private discussion, legal restrictions on topics that involve race and religion constrain dialogue. The threat of defamation suits and related charges are also deterrents to free speech, including on social media. A 2019 ruling effectively allowed defamation charges for criticism of the government in general.

POFMA provides for criminal penalties including fines and up to a year in prison for failure to comply with removal or correction orders. POFMA has been invoked against opposition figures, activists, and social media users.

Online expression is also affected by FICA, which Parliament passed in October 2021. FICA allows the home affairs minister to remove online content, while ISPs and social media operators can be compelled to provide information on their users. Access to applications can also be restricted under FICA.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Public assemblies are subject to extensive restrictions. Police permits are required for assemblies that occur outdoors; limited restrictions apply to indoor gatherings. Speakers' Corner at Hong Lim Park is the designated site for open assembly, though events there can likewise be restricted if they are deemed disruptive. Non-Singaporeans are generally prohibited from participating in or attending public assemblies that are considered political or sensitive. A 2017 amendment to the Public Order Act (POA) increased the authorities' discretion to ban public meetings and barred foreign nationals from organizing, funding, or observing gatherings that could be used for a political purpose.

The Public Order and Safety (Special Powers) Act of 2018 granted the home affairs minister and police enhanced authority in the context of a vaguely defined "serious incident," which could include scenarios ranging from terrorist attacks to peaceful protests. Officials would be permitted to potentially use lethal force and to halt newsgathering and online communications in the affected area. The special powers could be invoked in advance of a likely or threatened incident.

Authorities punish activists for holding unauthorized events, including even the smallest possible "assemblies." In January 2021, three protesters who picketed in front of the Ministry of Education over the treatment of transgender students were arrested under the POA. In February, activist Jolovan Wham was convicted for holding two illegal public assemblies in 2017.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The Societies Act requires most organizations of more than 10 people to register with the government; the government enjoys full discretion to register or dissolve such groups.

Only registered parties and associations may participate in organized political activity. Despite these restrictions, some NGOs engage in human rights– and governance-related work, advocating policy improvements and addressing the interests of constituencies including migrant workers and women. Prominent activists are subject to police questioning, criminal charges, civil lawsuits, and other forms of harassment in reprisal for their work. Under FICA, organizations that are designated “politically significant” are obligated to disclose foreign funding.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Unions are granted some rights under the Trade Unions Act, though restrictions include a ban on government employees joining unions. Union members are prohibited from voting on collective agreements negotiated by union representatives and employers. Strikes must be approved by a majority of members, as opposed to the internationally accepted standard of at least 50 percent of the members who vote. Workers in essential services are required to give 14 days’ notice to an employer before striking. In practice, many restrictions are not applied. Nearly all unions are affiliated with the National Trade Union Congress, which is openly allied with the PAP.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 1 / 4

The country’s top judges are appointed by the president on the advice of the prime minister. The government’s consistent success in court cases that have direct implications for its agenda has cast serious doubt on judicial independence. The problem is particularly evident in defamation cases and lawsuits against government opponents. While judgments against the government are rare, the judiciary is perceived to act more professionally and impartially in business-related cases, which has helped to make the country an attractive venue for investment and commerce.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Defendants in criminal cases enjoy most due process rights; political interference does not occur in a large majority of cases. However, the colonial-era Internal Security Act (ISA) allows warrantless searches and arrests to preserve national security. ISA detainees can be held without charge or trial for two-year periods that can be renewed indefinitely. In recent years it has primarily been used against suspected Islamist militants. The Criminal Law Act, which is mainly used against suspected members of organized crime groups, similarly allows warrantless arrest and preventive detention for renewable one-year periods. The Misuse of Drugs Act empowers authorities to commit suspected drug users, without trial, to rehabilitation centers for up to three years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Singaporeans are largely protected against the illegitimate use of force and are not directly exposed to war or insurgencies. Prisons generally meet international standards. However, the penal code mandates corporal punishment in the form of caning, in addition to imprisonment, for about 30 offenses, and it can also be used as a disciplinary measure in prisons.

Singapore continues to impose the death penalty for crimes including drug trafficking; 13 people were executed 2018 and 4 were executed during 2019. Executions were halted in 2020 due to the COVID-19 pandemic, and none took place in 2020 or 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The law forbids ethnic discrimination, though members of minority groups may face discrimination in private- or public-sector employment in some instances. Women enjoy the same legal rights as men on most issues, and many are well-educated professionals, but there is no legal ban on gender-based discrimination in employment.

The LGBT+ community faces significant legal obstacles. The penal code criminalizes consensual sex between adult men, setting a penalty of up to two years in prison. The law is not actively enforced, but the courts have upheld its constitutionality in recent years. The annual Pink Dot parade, held in support of LGBT+ rights since 2009, drew a large turnout in 2019 despite the legal ban on foreign funding and participation. The 2020 parade was cancelled due to the COVID-19 pandemic, while the 2021 event was held digitally.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Citizens enjoy freedom of movement and the ability to change their place of employment. Policies aimed at fostering ethnic balance in subsidized public housing, in which a majority of Singaporeans live, entail some restrictions on place of residence, but these do not apply to open-market housing.

There are practical limits on freedom of movement for foreign migrant workers. In April 2020, the government imposed a lockdown on worker dormitories, restricting the movement of hundreds of thousands of people and keeping them in overcrowded, dangerous conditions. The government allowed groups of dormitory residents to visit preapproved public locations in September 2021 and further loosened restrictions in October and December.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Individuals face no extensive restrictions on property ownership, though public housing units are technically issued on 99-year leases rather than owned outright. While the state is heavily involved in the economy through its investment funds and other assets, private business activity is generally facilitated by a supportive legal framework.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Men and women generally have equal rights on personal status matters such as marriage and divorce, though same-sex marriage and civil unions are not recognized. Social pressures deter some interreligious marriages and exert influence on personal appearance. The government allowed public-sector Muslim nurses to wear headscarves in August 2021. President Yacob herself wears a headscarf. Spousal immunity from rape charges was eliminated through a 2019 penal code amendment.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Singapore's inhabitants generally benefit from considerable economic opportunity, but some workers face disadvantages. The country's roughly 246,000 household workers are excluded from the Employment Act and are regularly exploited. Several high-profile trials of employers have drawn public attention to the physical abuse of such workers. Laws and regulations governing their working conditions have modestly improved formal protections

over the past decade, but guarantees remain inadequate. In 2018, the Ministry of Manpower issued a new work-permit condition that banned employers from holding the paid wages and other money of foreign household workers for safekeeping. Existing laws, like the Foreign Worker Dormitories Act of 2015, are intended to ensure the food and shelter needs of foreign workers. However, illegal practices such as passport confiscation by employers remain common methods of coercion, and foreign workers are vulnerable to exploitation and debt bondage in the sex trade or industries including construction and manufacturing.

Slovakia

Population: 5,500,000

Capital: Bratislava

Freedom Status: Free

Electoral Democracy: Yes

Overview: Slovakia's parliamentary system features regular multiparty elections and peaceful transfers of power between rival parties. While civil liberties are generally protected, democratic institutions are hampered by entrenched discrimination against Roma and growing political hostility toward migrants and refugees. Political corruption remains a problem.

KEY DEVELOPMENTS IN 2021

- In March, Prime Minister Igor Matovič stepped down in response to criticism from his party's coalition partners about a secret deal he made to acquire 2 million doses of Russia's Sputnik V COVID-19 vaccine, which had not been approved for use in the EU. Finance minister Eduard Heger was then appointed prime minister, and the coalition government remained intact under his leadership.
- Following the introduction of a national state of emergency in October, the Constitutional Court ruled that the country's COVID-19-related lockdown measures and restrictions were legally permitted, and did not violate the fundamental rights of Slovakian citizens. New lockdown measures were introduced in November, before being partially lifted in early December, but the state of emergency remained in place through the end of the year.
- Despite COVID-19-related restrictions on public gatherings, a number of antigovernment and antilockdown demonstrations took place throughout the year. Several such protests became violent, and were forcibly dispersed by police.
- Dozens of state officials were charged with corruption, bribery, and misuse of power throughout the year, including the head of the National Bank of Slovakia (NBS), former finance minister Peter Kažimír. In September, former special prosecutor Dušan Kováčik was sentenced to 14 years in prison for accepting bribes and colluding with organized crime groups while in office.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Slovakia is a parliamentary republic whose prime minister leads the government. There is also a directly elected president with important but limited executive powers. In March

2019, an environmental activist and leader of the newly formed Progressive Slovakia party, Zuzana Čaputová, became the first woman elected as president.

Following the general elections held in February 2020, a new four-party coalition government was formed, headed by Prime Minister Igor Matovič of the Ordinary People and Independent Personalities (OL'aNO) party. In March 2021, Matovič was forced to resign after his coalition partners discovered that he had made a secret deal to purchase Russia's Sputnik V COVID-19 vaccine, which had not been approved for use in the EU. After Matovič resigned, the president appointed then finance minister Eduard Heger of OL'aNO as prime minister, ending the month-long political crisis and allowing the four-party coalition to continue governing.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 150 members of the unicameral parliament, the National Council, are directly elected to four-year terms in a single national constituency by proportional representation. In the February 2020 parliamentary elections, the liberal-conservative OL'aNO party received a plurality of votes (25 percent), defeating the previously dominant incumbent Slovak Social Democracy Party (Smer-SD). OL'aNO entered a coalition government with three other parties that control a three-fifths majority in Parliament (enough to pass constitutional amendments): the conservative We Are Family party, the liberal Freedom and Solidarity, and the newly formed For the People Formation. The vote took place peacefully, and its results were accepted by stakeholders and certified by the state's election management body, the State Commission for Elections and the Control of Funding for Political Parties (known as the State Commission). Voter turnout was 65 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The legal framework for elections is generally fair, and 2014 legislation that addressed some gaps and inconsistencies in electoral laws was praised by a 2020 Organization for Security and Co-operation in Europe (OSCE) election monitoring mission. However, electoral legislation does not clarify whether meetings of the State Commission—which is tasked with oversight of party funding, vote tabulation, and electoral preparations—should be open to the public. The parliament in 2019 passed a law that would ban publicizing the result of opinion polls within 50 days of elections. The Constitutional Court suspended the law before the 2020 elections, and in May 2021, found it to be unconstitutional.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Citizens can freely organize in political parties and movements. In 2020, 24 parties competed in the year's elections and 6 of them entered the parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been regular transfers of power between parties in the last two decades. In February 2020, the three governing parties were defeated in the parliamentary elections and the four previous opposition parties formed a coalition government.

In May 2021, Smer-SD and two other opposition parties—the Slovak People’s Party (SNS) and the Voice-Social Democracy (Hlas–SD) party—presented a petition to the president, asking her to hold a referendum on calling early parliamentary elections. The Constitutional Court dismissed the petition in July, ruling that such a referendum would be unconstitutional.

B3. Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The citizens of Slovakia are generally able to make political choices free from external pressures.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Nearly all political parties in Parliament have expressed bias against LGBT+ people, who are poorly represented in politics. Roma are also poorly represented, and there have been reports of vote-buying in Romany settlements for local and regional elections.

Women hold 32 of 150 elected seats and are underrepresented in politics generally. The government has worked to implement action plans aimed at increasing parliamentary gender parity, but no significant change has been achieved.

In October 2020, the leader of the far-right Peoples’ Party Our Slovakia (ĽSNS), Marian Kotleba, was sentenced to four years and four months in prison for promoting an ideology that aims to suppress democratic rights and freedoms. Kotleba appealed the verdict to the Supreme Court, but had not received a decision by the end of 2021. If his conviction is upheld, he would serve his prison sentence, lose his parliamentary seat, and be banned from running for future office.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Democratically elected politicians determine public policy.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Though corruption has long riddled Slovakian institutions, the government has made a significant effort to address the problem in recent years, including conducting a series of anticorruption police raids in 2020 and 2021.

Since 2020, dozens of state officials have been arrested and charged with corruption, bribery, and misuse of power; though many deny the charges against them, several have pled guilty. Further corruption charges were brought against high-profile officials throughout 2021, including against the head of the National Bank of Slovakia (NBS), former finance minister Peter Kažimír, who was charged with bribery in October. In September, former special prosecutor Dušan Kováčik was sentenced to 14 years in prison for accepting bribes and colluding with organized crime groups while in office.

The head of the Slovak Information Service (SIS), Vladimír Pčolinský, resigned in March after he was detained on corruption and bribery charges. He was released and all charges against him were dropped in August, after the General Prosecutor’s Office intervened in the investigation. Later that month, Slovakia’s top police official Peter Kovařík resigned after being charged with abusing his power and obstructing justice; Kovařík had allegedly attempted to prevent the arrest of several suspects in a high-profile corruption case.

In February, the parliament elected former interior minister Daniel Lipšic as special prosecutor; he was the only non-prosecutor considered for the position. The opposition criticized Lipšic's appointment to the role, citing concerns about his ability to act impartially.

C3. Does the government operate with openness and transparency? 3 / 4

Slovak law obliges mandatory publication of all contracts in which a state or public institution is a party, but enforcement is inconsistent. Many business leaders believe that corruption was the main reason behind their failure to secure public tenders.

The Freedom of Information Act, adopted in 2006, allows citizens to request information from state and public institutions. In February 2021, the Supreme Court ruled that because state-owned companies are publicly funded, they must disclose their management of such funds—including the salaries of their executive staff—upon request.

In March, then prime minister Igor Matovič resigned after his coalition partners discovered that he had secretly made an unauthorized deal to purchase Russia's Sputnik V COVID-19 vaccine, which had not been approved for use in the EU.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

The February 2018 murder of Ján Kuciak, an investigative reporter who was working on corruption and tax fraud cases, represented the worst attack on media freedom in recent Slovak history. In September 2020, the court convicted and sentenced two men for carrying out the murder, but acquitted well-known businessman Marian Kočner and his associate, who had been charged with ordering Kuciak's killing. In June 2021, the Supreme Court overturned the acquittal and ordered a retrial.

In 2021, the government "embarked on a major overhaul of media legislation," introducing new laws that would impose severe penalties for disseminating "false information." International media rights groups have criticized the proposed legislation, expressing fears that it could be used to restrict media independence and curtail press freedom. The legislation remained under consideration in parliament at year's end.

Media ownership is concentrated in the hands of a few business groups and individuals. Since 2020, the government has repeatedly postponed legislation that would protect the independence of journalists at the public broadcaster Radio and Television of Slovakia (RTVS). In April 2021, an RTVS journalist was fired for "professional misconduct" after raising concerns about the quality of the outlet's reporting on the COVID-19 pandemic.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is guaranteed by the constitution and generally upheld by state institutions. Registered churches and religious societies are eligible for tax exemptions and government subsidies.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is guaranteed by the constitution and upheld by authorities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People may discuss sensitive or political topics without fear of retribution or surveillance. Hate speech laws prohibit the incitement of racial hatred or violence and have been used in recent years to remove a parliamentarian after he made racist remarks toward Roma.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally guaranteed and upheld by state authorities, and peaceful demonstrations are common. The government imposed periodic lockdowns—which included temporary restrictions on the right to public assembly—in 2020 and 2021 to prevent the spread of the coronavirus.

A national state of emergency was declared in October 2021, allowing the state to regulate public gatherings due to “a threat to the lives and health of people” in Slovakia. The same month, the Constitutional Court ruled that such restrictions were permitted by constitutional law. Lockdown measures were partially lifted in early December, but the state of emergency was extended through the end of the year.

A number of antigovernment and antilockdown demonstrations took place in 2021, often initiated or attended by prominent opposition politicians. Several demonstrations featured violent clashes between protesters and police forces; in July, antivaccine protesters attempted to break into the National Parliament and were forcibly dispersed by police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) are free to operate and criticize state authorities. During former prime minister Robert Fico’s tenure, NGOs were accused of seeking to overthrow the legitimate government after some organizations supported and worked for the “For a Decent Slovakia” protests. The far-right ĽSNS repeatedly attempted to pass a law that would apply a “foreign agent” label onto any NGO accepting donations from abroad.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Trade unions in Slovakia are pluralistic and operate freely.

F. RULE OF LAW: 12 / 16**F1. Is there an independent judiciary? 3 / 4**

The constitution provides for an independent judiciary. However, there is a widespread perception of a lack of transparency and an abundance of corruption in the functioning of the judicial system. In February 2021, the Council of Europe’s Group of States against Corruption (GRECO) criticized the government’s slow progress in introducing measures to prevent corruption in Slovakia’s judiciary and prosecutorial systems.

Since 2015, Slovakian authorities have introduced a number of measures to increase the specialization of the district courts, which is intended to enhance the quality of judicial decisions and to strengthen the judiciary’s efficiency. In line with these plans, a new specialized court—the Supreme Administrative Court—came into existence in August 2021. In addition to hearing cases on matters of administrative law, the newly established court will carry out disciplinary proceedings against judges and prosecutors.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process usually prevails in civil and criminal matters. However, there have been reports of warrantless detentions or detentions otherwise carried out without other appropriate authorization.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While Slovakia is free from war, insurgencies, and high rates of violent crime, police abuse of suspects is a persistent problem. Reports of police violence against Roma people emerge frequently.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Roma face persistent discrimination in many forms, including from public officials and in employment. Romany children in primary schools are regularly segregated into Roma-only classes, and many are educated in schools meant to serve children with mental disabilities. In September 2020, the European Court for Human Rights ruled that two Romany citizens who were beaten in a police raid in a town in eastern Slovakia in 2013 experienced inhumane treatment, and their right to judicial recourse was violated. In June 2021, the Slovakian government apologized for the 2013 police raid; six Romany men and women, who had been charged with making false accusations for reporting police brutality during the raid, were acquitted of all charges by a Slovakian court by year's end.

Women are underrepresented in senior-level business and government positions. The 2020 Gender Equality Index issued by the European Institute for Gender Equality indicates that in Slovakia, the gender pay gap and the percentage of women in top posts in the private sector are among the worst in the European Union.

Though there are antidiscrimination laws in place, discrimination against minority groups often goes unreported. Police do not always investigate or take action in cases of discrimination on the basis of gender identity or sexual orientation. A 2020 survey by the EU Agency for Fundamental Rights (FRA) found that more than 50 percent of LGBT+ couples avoid holding hands in public, fearing verbal and physical attacks.

Slovakia receives very few asylum applications, and primarily functions as a transit country for asylum seekers. However, Slovak authorities apply asylum protections very restrictively; just 29 of 370 applicants were granted asylum in 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government respects the freedom of movement and the right of citizens to freely change their place of residence, employment, and education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

In general, the government does not arbitrarily interfere with citizens' rights to own property and to establish private businesses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms, including choice of marriage partner and size of family, are guaranteed and upheld by the state authorities, but a 2014 constitutional amendment defines marriage as a "unique bond" between one man and one woman. Laws neither allow nor recognize same-sex marriages or civil unions. Public opinion has remained against granting couples in same-sex partnerships the same rights granted to unions between a man and a woman.

Slovakia permits abortions, although conservative and far-right groups in parliament have repeatedly proposed restrictions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Severe marginalization of Roma harms their opportunities for social mobility. Human trafficking is a problem, and mainly involves the transport of victims to countries in Western and Central Europe, where they are engaged in forced labor, sex work, and begging. The government has significantly increased antitrafficking efforts—including prosecutions and convictions—though victim identification and support services remain inadequate.

Slovenia

Population: 2,100,000

Capital: Ljubljana

Freedom Status: Free

Electoral Democracy: Yes

Overview: Slovenia is a parliamentary republic with a freely elected government. While political rights and civil liberties are generally respected, the current right-wing government has continued attempts to undermine the rule of law and democratic institutions, including the media and judiciary; this prompted pushback from civil society. Corruption remains an issue, though media are proactive in exposing it. The judiciary has established a record of independent rulings.

KEY DEVELOPMENTS IN 2021

- In June, the Constitutional Court declared that key provisions of the Communicable Diseases Act, which enabled the government to restrict movement and assembly during the COVID-19 pandemic, were unconstitutional. The government amended the law in July to pass other coronavirus-related public health restrictions by decree, without public consultation.
- For most of the year, the government withheld public funds from the Slovenian Press Agency (STA), despite two separate laws that provide for its financial support. The Office of the Government of the Republic of Slovenia for Communication (Ukom) initiated a contract dispute intended to compel the agency to submit to greater government control. Critics speculated that Ukom deliberately dragged out the dispute to drain the STA of funds, so as to weaken their negotiating position.
- In October, police used water cannon and tear gas to disperse thousands of antigovernment protesters in Ljubljana. Interior Minister Aleš Hojs criticized police for dispersing a simultaneous far-right demonstration intended to disrupt the antigovernment protest; the officers involved received disciplinary actions.

POLITICAL RIGHTS: 38 / 40 (-1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister heads the executive branch and is appointed by the National Assembly (Državni Zbor) for a four-year term. The president, currently Borut Pahor, holds the ceremonial position of head of state and is directly elected for up to two five-year terms.

After Marjan Šarec, leader of List of Marjan Šarec (LMŠ), resigned as prime minister in late January 2020, Janez Janša, leader of the right-wing Slovenian Democratic Party (SDS), became prime minister and formed a majority government. His government lost majority support and became a minority government in mid-December of that year, though Janša remained in power.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The legislature is composed of the 40-seat National Council (Državni Svet) elected indirectly, and a 90-seat National Assembly. Of the 90 National Assembly members elected to four-year terms, 88 are elected by a system of proportional representation. Two additional seats are reserved for lawmakers representing Hungarian and Italian minorities.

Organization for Security and Co-operation in Europe (OSCE) monitors deemed the June 2018 National Assembly elections free and fair. The SDS currently leads the parliament with a minority government.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The National Election Commission is an independent and impartial body that supervises free and fair elections and ensures electoral laws are properly implemented.

Supporters of a July 2021 referendum on the Waters Act accused the government of using voter suppression tactics to affect the outcome of the poll. Vote-by-mail request forms were sent to nursing homes only 12 hours before the application deadline; the Commission failed to sufficiently staff voting centers (which were poorly marked and had long lines); and there were unusual changes in voters' polling stations.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The constitutional right to organize in different political parties is upheld in practice. Parties need to pass a 4 percent threshold to win a seat in the parliament. Parties winning more than 1 percent of the vote are eligible for a proportional share of funds from the national budget.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Political power frequently rotates between parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are free from domination by powerful groups that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Citizens enjoy full political rights and electoral opportunities. Hungarian and Italian minorities each elect their own lawmaker to the National Assembly. Roma councilors sit on 20 municipal councils.

A 35 percent gender quota is mandated by law, and parties that fail to adhere to it have had their lists rejected. However, gender quotas are enforced on the precinct level, and nongovernmental organizations (NGOs) have long complained that women candidates are allotted precincts with lower chances of being elected. Only 24 percent of lawmakers elected in 2018 were women, a decline from the last term.

C. FUNCTIONING OF GOVERNMENT: 10 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are free to set and implement government policy without undue interference.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption in Slovenia primarily takes the form of conflicts of interest between government officials and private businesses. Public anticorruption institutions experience pressure through coordinated social media campaigns to influence their decision-making. The Janša government has failed to appoint at least 12 public prosecutors, diminishing the institutional capacity of anticorruption efforts. Journalists continue to be proactive in exposing corruption allegations. In June 2020, the National Assembly, after years of failed attempts, passed its ethics code.

The Commission for the Prevention of Corruption (KPK), led by Robert Šumi and mired in controversy in recent years, has taken up several notable cases of alleged corruption; including cases related to the procurement of personal protective equipment (PPE) and medical ventilators during the first wave of the COVID-19 pandemic in 2020.

C3. Does the government operate with openness and transparency? 3 / 4 (-1)

While the government generally operates with openness, several challenges to government transparency emerged in 2021. In June, the Constitutional Court declared that key provisions of the Communicable Diseases Act, which enabled the government to restrict movement and assembly during the COVID-19 pandemic, were unconstitutional. The Janša government amended the law in July to pass other coronavirus-related public health restrictions by decree, without public consultation. These decrees were also subject to review by the Constitutional Court.

Also in July, the National Assembly amended public procurement rules as a part of a vaguely worded omnibus bill, ostensibly to reduce bureaucracy. However, critics—including the chairman of the National Audit Commission for the Audit of Public Procurement Procedures (DKOM)—expressed concerns that the amended rules would reduce the transparency of public tenders.

Score Change: The score declined from 4 to 3 because the government has relied on decrees and an opaquely authored omnibus bill to change policies and regulations.

CIVIL LIBERTIES: 52 / 60 (-4)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16 (-1)

D1. Are there free and independent media? 2 / 4 (-1)

Freedom of the press is constitutionally guaranteed, but defamation remains a criminal offense. State-owned enterprises continue to hold a stake in several media outlets, leaving them vulnerable to government intervention. Media ownership is sometimes opaque, and local outlets have been abused as propaganda tools favoring incumbent

mayors. Journalists are subject to pressure from powerful business interests and occasional harassment due to their coverage.

For most of 2021, the Janša government withheld public funds from the STA, despite two separate laws that provide for its financial support. Ukom instead initiated a contract dispute intended to compel the agency to submit to greater government control. National and international media organizations, President Pahor, and the European Commission (EC), among others, protested the government's actions. Critics speculated that Ukom deliberately dragged out the dispute to drain the STA of funds, so as to weaken their negotiating position. The STA was forced to downsize 10 percent of its journalists, who either switched to different outlets or left journalism altogether. The STA director resigned in protest in September. In November, the two sides agreed on financing terms for 2021, though 2022 financing remained unresolved.

International media advocacy groups have noted an increasingly hostile environment toward the media and a worrying increase in violence against journalists. A retrial of a criminal case against Prime Minister Janša, accused of defamation by two female journalists, began in June 2021. One of the journalists received threatening letters containing unknown substance in June and September. The substance in both cases turned out to be nontoxic. In April, National Security Secretary Žan Mahnič posted threatening messages on Twitter toward Peter Žerjavič, the Brussels correspondent for Delo Daily, which was condemned by the main Slovenian media organization, Delo Journalists' Association (DNS).

In September 2021, a group of antivaccination protesters forced their way into a Radio-Television Slovenia (RTVSLO) studio, demanding to have their COVID-19 conspiracy theories broadcast. The group was eventually removed from the premises by the police.

Score Change: The score declined from 3 to 2 because the government withheld legally mandated funds meant for the country's public broadcaster for much of the year.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The Slovenian constitution guarantees religious freedom and contains provisions prohibiting incitement of religious intolerance or discrimination. However, there are occasional instances of vandalism of religious buildings, and of hate speech by high-profile figures. In Domžale in May 2021, reports emerged that headstones in a Muslim cemetery had been vandalized.

In June 2021, the government disbanded its Office for Religious Communities. Several religious leaders claimed this left a void of support from the government, especially regarding religious practice during the coronavirus pandemic. The government established a separate council tasked with resolving open questions specific to the Roman Catholic Church, but no other religious community.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected, though at times the Janša government has attempted to influence appointments to academic institutions; the government continued to refuse to appoint Igor Žagar as head of the Education Research Institute.

In December 2021, the parliament adopted changes to the Education Financing and Organization Act, which increases the political influence in kindergarten board member appointments. Experts and labor union leaders strongly criticized the change.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal beliefs without fear of reprisal. Defamation remains a criminal offense, though officials may no longer press charges through the state prosecutor.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12 (-2)

E1. Is there freedom of assembly? 3 / 4 (-1)

Assembly and association rights are guaranteed by the constitution and generally respected in practice. Assemblies must be registered with the authorities in advance and sometimes require permits.

In 2021, the government used the Communicable Diseases Act, passed in 2020, to limit and at times completely ban mass gatherings, citing the COVID-19 pandemic. Though the Constitutional Court declared parts of the law preventing assembly unconstitutional, the government tightened restrictions by means of parliamentary decrees. Police issued harsh fines for activities that were newly considered offenses by the government's new policies. Senior government representatives repeatedly accused protesters of spreading COVID-19 without evidence. In March, underage students were prosecuted for violating assembly bans when protesting the closure of schools.

In October 2021, police used water cannon and tear gas to disperse thousands of anti-government protesters in Ljubljana. Interior Minister Hojs criticized police for dispersing a simultaneous far-right demonstration intended to disrupt the antigovernment protest; the officers involved received disciplinary actions.

Score Change: The score declined from 4 to 3 because authorities forcefully disrupted anti-government protests and attempted to restrict assembly rights through unconstitutional means.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4 (-1)

Numerous NGOs operate freely and play a role in policymaking.

However, the Janša government created an increasingly hostile environment for civil society in 2021. Senior officials, including Janša himself, made spurious and unsubstantiated claims about organizations' activity and funding throughout the year. The Ministry of Culture unsuccessfully attempted to evict several NGOs from an old office building. Similarly, the government attempted but failed to change public tender rules for NGOs applying for grants from donor countries in the European Economic Area (EEA), including Norway, Iceland, and Liechtenstein.

Prime Minister Janša routinely equates NGOs with business lobbying interests, often calling into question the legitimacy of organizations that criticize him. Other officials have followed suit.

Score Change: The score declined from 4 to 3 because the government attempted to restrict NGO funding and senior officials created a hostile environment for civil society groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may establish and join trade unions, strike, and bargain collectively. Unions were openly critical of the Janša government's actions in 2021.

F. RULE OF LAW: 14 / 16 (-1)**F1. Is there an independent judiciary? 3 / 4 (-1)**

The constitution provides for an independent judiciary, and judicial efficiency has increased in recent years. A significant portion of the public still has a negative perception of the courts, although this too has improved somewhat.

Prime Minister Janša continued to criticize and disparage the judiciary throughout 2021. He repeatedly claimed, without evidence, that the Constitutional Court was responsible for deaths caused by the COVID-19 pandemic after the court ruled against the Communicable Diseases Act in July. The government also ignored several judicial rulings, including one that compelled them to fund the STA, and legal obligations throughout the year.

Score Change: The score declined from 4 to 3 because the government delayed its compliance with judicial rulings, including a ruling to restore funding to the country's public broadcaster.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The rule of law is respected in civil and criminal matters. Programs aimed at reducing court backlogs have seen some success, though the COVID-19 pandemic has somewhat reversed this trend.

The government significantly delayed the appointment of two prosecutors to the European Public Prosecutor's Office (EPPO) and proposed legal changes that would give them more power than the Public Prosecutors' Council to choose appointees in the future.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Slovenia are generally free from threats of physical force. Prison conditions meet international standards, though overcrowding has been reported.

Paramilitary groups became more active in 2020, claiming that their patrols would protect the Slovenian border from migrants. After striking down a bill to outlaw these groups in March 2020, Parliament approved a similar measure in September.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Some deficiencies impede the protection of equal rights in Slovenia. Roma face widespread poverty, are socially marginalized, and lack access to early and secondary education, legal housing, and basic utilities.

In July 2020, reports emerged that police were restricting the movements of asylum seekers, denying them legal aid, and intentionally conflating their statuses with those of illegal immigrants. Amendments to the Aliens Act enacted in April 2021 allow for stricter asylum measures in cases of sudden increases in the number of migrants attempting to enter the country. Advocacy groups said that the amended law would effectively prevent refugees from applying for international protection and would formalize mass deportations. In September 2021, the Human Rights Ombudsman petitioned the Constitutional Court to decide on the legality of a Slovenia-Croatia agreement of returning migrants en masse.

Discrimination based on religion, ethnicity, and other identities remains a pressing challenge. In May 2021, several NGOs accused the police of racial profiling during a pro-Palestinian protest. Prime Minister Janša claimed on Twitter that the Quran had caused the most pain and suffering in human history, which the Islamic Community in the Republic of Slovenia, a local religious organization, worried could induce vandalism and hate crimes.

Progovernment propaganda outlets regularly publish pieces, both in Slovenian and English, vilifying George Soros, placing him at the center of antisemitic conspiracy theories.

Although there are legal protections against discrimination based on sexual orientation, discrimination against LGBT+ people remains a challenge. In June 2021, the Janša government lauded the Hungarian government's passage of controversial anti-LGBT+ legislation.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Citizens enjoy the right to change their residence, employment, and place of education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals may exercise the right to own property and establish private business in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals generally enjoy personal social freedoms. People entering same-sex partnerships enjoy most of the rights conferred by marriage but cannot adopt children or undergo in-vitro fertilization procedures. Marriage is still legally defined as a union between a man and a woman.

Cases of gender-based violence continued to rise in 2021; the number of domestic murders reached the prepandemic average by the end of March.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Authorities actively prosecute suspected human traffickers and work to identify victims.

According to a survey by the trade union Mladi Plus, the average length of unemployment for young people increased in 2021, while those who remained employed saw their salaries reduced. Many people at the beginning of their careers or nearing retirement are employed under precarious conditions.

Solomon Islands

Population: 700,000

Capital: Honiara

Freedom Status: Free

Electoral Democracy: Yes

Overview: Political rights and civil liberties are generally respected in the Solomon Islands. There are weaknesses in the rule of law, unrest occasionally arises in the capital, Honiara, and corruption remains a serious concern, but recent governments have taken steps to address it. Violence against women is also a significant problem.

KEY DEVELOPMENTS IN 2021

- Antigovernment protesters in Honiara rioted over a three-day period in November, damaging buildings in the city's eastern areas and largely destroying its Chinatown.
-

Four people were killed before the riots subsided with the arrival of peacekeepers from Australia, New Zealand, and Papua New Guinea (PNG).

- In December, Prime Minister Manasseh Sogavare survived a no-confidence vote lodged after the previous month's riots.

POLITICAL RIGHTS: 30 / 40**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The prime minister, who serves as the head of government, is elected by the National Parliament. Irregularities are frequent in the run-up to prime ministerial elections, known as "second elections." Leading contenders usually separate into camps in Honiara's major hotels and seek the support of other members of Parliament (MPs) with promises of cash or ministerial portfolios.

Following April 2019 elections, Manasseh Sogavare won a fourth nonconsecutive term as prime minister. Solomon Islands Democratic Party (SIDP) leader Matthew Wale attempted to stop Sogavare's selection, saying that Sogavare relaunched the Ownership, Unity, and Responsibility Party (Our Party) too late to abide by a law requiring prime ministerial candidates to maintain party membership; Sogavare was previously aligned with the SIDP before moving to Our Party after the election was held. Sogavare was ruled eligible that April, while the High Court rejected Wale's legal petition against Sogavare that May.

The National Parliament selects a governor general to represent the British monarch as head of state for five-year terms. The governor general appoints cabinet members on the advice of the prime minister. David Vunagi, a retired Anglican bishop, began his term in July 2019.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The National Parliament's 50 members are directly elected in single-seat constituencies by a simple majority vote to serve four-year terms.

In the April 2019 elections, the SIDP and the Kadere Party each won 8 seats, while independents won another 21. Another six parties won the remainder. Days after the polls, support among MPs shifted to Our Party, which formed a governing coalition with Kadere, the Democratic Alliance, and the Solomon Islands People First Party. Commonwealth observers commended the poll's overall conduct but called for voter-registration improvements and expanded early-voting options.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The legal framework generally provides for democratic elections. The Solomon Islands Electoral Commission (SIEC) had fallen under the jurisdiction of the Home Affairs Ministry but was placed under the prime minister's office in 2020.

The electoral rolls have been improved since the 2013 introduction of a biometric voter registration system. Nevertheless, the SIEC found 4,000 instances of multiple voter registration during the 2018–19 registration period.

In April 2021, a document showing that the government was considering a one-year extension of the parliament's term via a constitutional amendment was leaked to the public. Opposition MPs and members of the public criticized the proposal, which remained under consideration at year's end.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

There are no restrictions on the right to organize political parties, but political alliances are driven more by personal ties and local allegiances than formal policy positions or ideology. Party affiliations shift frequently, often as part of efforts to dislodge incumbent governments. MPs shifted to Our Party days after the April 2019 polls were held. By June 2020, the party had 32 MPs.

The 2014 Political Parties Integrity Act was meant to encourage a stronger party system through more formalized registration mechanisms. Many formerly party-aligned legislators stood as independents in the 2014 and 2019 elections, calculating that doing so left them with greater flexibility under the legislation. Of the 333 candidates who took part in the April 2019 elections, 170 ran as party candidates, while another 163 ran as independents.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties and candidates may campaign freely, and power shifts frequently between rival groups. Since 1978, three governments have been ousted in opposition-led no-confidence votes, and prime ministers have resigned to fend off no-confidence challenges on two occasions. Sogavare survived a no-confidence vote in December 2021; Matthew Wale lodged that motion after riots took place in Honiara in late November.

No incumbent premier has been able to win reelection, although both Sogavare and former prime minister Solomon Mamaloni were repeatedly able to return to power after a period in opposition.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are generally unconstrained, though church and tribal leaders exert strong influence in some areas. On the island of New Georgia, the Christian Fellowship Church regularly secured the reelection of its candidate, Job Dudley Tausinga, between 1984 and 2014.

China has sought to deepen ties with the Solomon Islands and won Honiara's diplomatic recognition in 2019. Malaita Province premier Daniel Suidani, who has denounced Honiara's relations with Beijing, aims to hold an independence referendum in 2022, though Honiara called the plan illegal in 2020. In May 2021, Suidani traveled to Taiwan for medical treatment, which the Chinese embassy in Honiara voiced concern over. Malaita politicians who were reportedly backed by Beijing unsuccessfully sought to remove Suidani from the provincial premiership in October.

Beijing provides financial backing for the Rural Constituency Development Fund (RCDF), which is dispersed by Solomon Islands MPs; in April 2021, the *Island Sun* reported that MPs were required to devote some RCDF funding to water and sanitation projects under a condition imposed by Beijing.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women and ethnic minorities enjoy full political rights under the law, but discrimination limits political opportunities for women in practice. Only four women held parliamentary seats in 2021.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Solomon Islands governments have generally been able to determine national policy without outside interference, but the country's fractious politics hamper efficient policymaking. Prime ministers have struggled to sustain legislative majorities, and cabinet splits are frequent.

Prime ministers can consequently face significant difficulty when enacting policy choices, with decisions prompting fights for political survival. Sogavare's decision to switch diplomatic recognition from Taipei to Beijing in 2019 temporarily destabilized his government, with a group of pro-Taiwan MPs—including planning minister and former prime minister Rick "Hou" Houenipwela—being dismissed from the cabinet after they abstained from a vote on the matter.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption and abuse of office are serious problems. The previous Sogavare government struggled to win support for anticorruption legislation in 2016 and 2017, largely due to resistance from within the cabinet. In 2018, the Hou government secured passage of the Anti-Corruption Act, which establishes an independent anticorruption commission, and the Whistleblowers Protection Act. Some opposition MPs considered the laws, which allowed the use of local custom as a defense in corruption cases and restricted retroactive application, watered down.

Under both the Sogavare and Hou governments, a number of senior officials were investigated or arrested on corruption charges due to the efforts of Task Force Janus, a joint anticorruption initiative between the police force and the Finance Ministry. However, prosecutors have had difficulty winning convictions against politicians accused of corruption. Task Force Janus operations slowed in 2020 and 2021. In January 2021, Police Commissioner Mostyn Mangau promised that Task Force Janus remained active, citing COVID-19-related police deployments as a reason for its slowed activity.

C3. Does the government operate with openness and transparency? 1 / 4

Successive governments have not operated transparently. State dealings with foreign logging companies and mining companies are not open to scrutiny. There is no law stipulating a formal process by which the public may request official information.

Commonwealth observers who monitored the April 2019 elections voiced concern over the possible misuse of the RCDF ahead of the campaign. In early 2021, the Guadalcanal and Malaita provincial premiers threatened to sue the national government over the RCDF's legality.

In September 2021, opposition leader Wale criticized the Sogavare government over the opaque, Beijing-funded National Development Fund (NDF), which dispersed monies to progovernment MPs; the NDF was previously supported by Taiwan.

CIVIL LIBERTIES: 49 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Press freedom is usually respected. While politicians and elites sometimes use legal and extralegal means to intimidate journalists, such incidents have been relatively rare in recent years. There are several print newspapers. The government operates a national radio station, and subnational and private radio stations are also available. Subscription television services offer some local content in addition to foreign broadcasts.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is generally respected. Registration requirements for religious groups are not onerous, and religious education is not mandatory.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

While social taboos persist regarding the open discussion of topics including domestic violence, rape, and child abuse, individuals have historically been free to express their views on politics and other sensitive matters. A ban on Facebook was considered in 2020 but was shelved in January 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is constitutionally guaranteed and generally upheld. However, peaceful demonstrations can give way to civil unrest, particularly during contentious parliamentary debates, elections, or large-scale labor actions.

In August 2021, protesters in Honiara called for Prime Minister Sogavare's resignation; businesses in the city, including in its Chinatown, shuttered during the protest. Riots took place in Honiara over three days in November, reportedly after Sogavare declined to meet with anti-government demonstrators. Rioters damaged buildings in the city's eastern areas and in Chinatown, which was largely destroyed. Four people were killed during the unrest, which subsided after peacekeepers were sent by Australia, New Zealand, and PNG at Sogavare's request.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) often operate informally and the government is not always receptive to the viewpoints of governance-focused groups. Locally based NGOs often lack resources and reportedly grow dependent on the funds and priorities of international donors. Nevertheless, there are no major constraints on NGO activities in the Solomon Islands.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers are free to organize, and strikes are permitted with certain restrictions. Laws against antiunion discrimination by employers are reportedly ineffective. The country's main labor union, the Solomon Islands National Union of Workers, was disbanded by court order in 2013 after lengthy litigation over an illegal strike by plantation workers. However, labor activists registered a new entity, the Workers Union of Solomon Islands, in 2014.

F. RULE OF LAW: 11 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary has a reputation for independence, though a severe lack of resources has contributed to case backlogs. Judges are appointed by the governor general on the advice of an impartial Judicial and Legal Service Commission. The Court of Appeal is mainly reliant on foreign judges.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Limited resources and capacity restraints are responsible for somewhat common due-process deficiencies. Half of the country's prison inmates are on remand awaiting trial due to case backlogs.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

There are few major threats to physical security, though crime remains a problem in some areas. While the country has a history of internal conflict, the threat has subsided over the past two decades, thanks in large part to security aid from international partners.

Rebuilding the police force, which was disarmed in 2003, was the major focus of the Australian-led Regional Assistance Mission to the Solomon Islands (RAMSI), which launched that year. Nearly all Royal Solomon Islands Police Force officers subsequently resigned, retired, or were dismissed. An extensive training program has since created a force with younger members and with better geographic and gender balance. In 2016, RAMSI undertook a limited rearmament of the police force. RAMSI concluded in 2017, but a residual Australian advisory program continues, while Australia and New Zealand have bilaterally extended RAMSI programs. Mostyn Mangau became the first locally appointed police commissioner in 19 years when he took the post in 2020.

In December 2021, Prime Minister Sogavare announced that the government would accept capacity-building support for the police force from Beijing.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution prohibits discrimination based on race, place of origin, sex, and some other categories, but the legal framework does not provide robust protections. De facto discrimination limits economic opportunities for women. Same-sex sexual activity can be punished with up to 14 years' imprisonment. While cases are reportedly rare, the government has resisted international pressure to decriminalize such activity.

Discrimination based on regional differences also remains a factor. The Guadalcanal Plains Palm Oil Ltd. (GPPOL) operation on northern Guadalcanal, one of the country's biggest employers, avoids employing laborers from Malaita, even on a casual basis, for fear of antagonizing local communities.

Ethnic Chinese residents also face discrimination. Businesses and buildings owned or operated by ethnic Chinese were targeted during the unrest following Sogavare's appointment in 2019, while Honiara's Chinatown was largely destroyed during the November 2021 riots.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Residents generally enjoy freedom of movement, but some impediments exist, particularly in parts of rural Guadalcanal where people from Malaita were expelled during unrest in 1999–2000. Hostility to Malaitan settlement persists in parts of Western Province.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal and regulatory framework largely supports property ownership and private business activity. However, property rights are frequently contested. GPPOL administrative

buildings have been attacked in the past. Logging concessions have been disputed by local groups, as have tourism operations.

In 2020, Prime Minister Sogavare voiced his intention to restrict the sale of land to foreign buyers and bolster Indigenous land rights via constitutional amendments.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual freedoms on personal status issues such as marriage and divorce are generally protected. However, the legal age of marriage is 15, and about a fifth of women are married by age 18. Despite the 2014 Family Protection Act, which formally criminalized domestic violence and enabled victims to apply for protection orders, domestic violence and rape are serious and underreported problems. Victims are reluctant to take their cases to court.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Legal protections against exploitative working conditions are not consistently enforced, though authorities have made efforts to update and implement laws against human trafficking in recent years. Local and foreign women and children are vulnerable to sex trafficking and domestic servitude, including through forced marriages or “adoptions” to pay off debts. Migrant workers sometimes face forced labor in the mining, logging, and fishing industries.

Somalia

Population: 16,400,000

Capital: Mogadishu

Freedom Status: Not Free

Electoral Democracy: No

Note: The numerical scores and status listed above do not reflect conditions in Somaliland, which is examined in a separate report. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Somalia has struggled to reestablish a functioning state since the collapse of an authoritarian regime in 1991. Limited, indirect elections brought a federal government to power in 2012. By 2016, it had established five federal member states, though these semiautonomous regions are often at odds with the central government. The government’s territorial control is also contested by a separatist government in Somaliland and by the Shabaab, an Islamist militant group. No direct national elections have been held to date, and political affairs remain dominated by clan divisions. Amid ongoing insecurity, human rights abuses by both state and nonstate actors occur regularly.

KEY DEVELOPMENTS IN 2021

- In April, Parliament voted to extend the term of President Mohamed Abdullahi Mohamed (known as Farmaajo) for two years, ostensibly to let the country prepare
-

for direct elections. International pressure moved Parliament to reverse this decision a month later. Farmaajo repeatedly postponed the presidential election, and the government prevented opposition demonstrations and violently repressed the protests that were held, some of which featured clashes between supporters of Farmaajo and the opposition.

- Indirect, clan-based elections for the lower house of Parliament began in November and were ongoing at year's end. State assemblies' selection of federal lawmakers to serve in the upper chamber took place between July and November.
- In December, Farmaajo attempted to suspend Prime Minister Mohamed Hussein Roble, accusing him of interfering with a land-grabbing investigation and of corruption. Roble accused Farmaajo of attempting a coup, disregarded the president's actions, and attempted to seize control of the military. Roble also claimed that Farmaajo was scheming to prevent a presidential election.

POLITICAL RIGHTS: 1 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

Under the 2012 provisional constitution, the president is elected by a two-thirds vote in the Federal Parliament to serve a four-year term. The president shares executive power with a prime minister, who must have the support of Parliament.

In February 2017, legislators, who were not freely elected themselves, chose Farmaajo as president. Farmaajo's term expired in February 2021, and the presidential election was repeatedly postponed during the year. In April, Parliament voted to extend Farmaajo's term for two years, ostensibly to let the country prepare for direct elections, but it reversed this decision a month later after the move was condemned internationally.

In December 2021, President Farmaajo attempted to suspend Prime Minister Roble, accusing him of interfering with a land-grabbing investigation and of corruption. Roble accused Farmaajo of attempting a coup, disregarded the president's actions, and attempted to seize control of the military. Roble also claimed that Farmaajo was scheming to prevent a presidential election.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Somalia has not held direct legislative elections since 1969. Members of the 54-seat Upper House are elected by state assemblies. The lower house, the House of the People, is elected under a system in which clan elders choose delegates, who in turn select lawmakers. Upper House elections were begun in July 2021 and completed in November after months of political disputes. Elections for the lower house started in November and were ongoing at year's end. Opposition groups and observers criticized both sets of elections, alleging political manipulation, improper interference, and vote buying.

Federal member states similarly employ clan-based power-sharing systems rather than direct popular elections to form their legislatures.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral framework does not provide for universal suffrage. Balloting is the result of an ad-hoc process based on lengthy negotiations among the country's main clans.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Legislation enacted in 2016 allowed the first formal registration of political parties since 1969. The National Independent Electoral Commission (NIEC) has since registered more than 100 parties. However, because the 2021 parliamentary elections maintained a clan-based system and plans for direct voting were further postponed, the significance and role of political parties remains unclear.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The lack of direct elections prevents any group from gaining power through democratic means. The parliamentary elections that began in 2021 were dominated by clan leaders who control the appointment of delegates. Federal states and legislatures provide platforms for some competing forces to exercise influence and authority.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Ordinary citizens are largely unable to participate in the political process as voters.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Presidential candidates are required to be Muslim, according to the provisional constitution.

The current political system is designed to ensure some representation for the country's many clans, but the prevailing "4.5" formula gives the four largest groups—the Hawiye, Darod, Dir, and Rahanweyn—eight out of every nine positions, marginalizing all other clans. The system is also affected by intraclan rivalries and dominated by clan leaders, who do not necessarily represent the interests of their respective groups.

Women's political participation is limited by discriminatory attitudes and hostility from incumbent elites, and the interests of women are poorly represented in practice. The parliamentary framework mandates a 30 percent quota for women's representation; at the end of 2021, amid ongoing parliamentary elections, 25 percent of filled seats in the two chambers were held by women.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The government, which is not democratically elected, has little practical ability to implement its laws and policies even in parts of the country it controls. Its basic operations are heavily dependent on international bodies and donor governments. Relations between the federal government and the administrations of the federal member states remain poor.

Critics and rivals have accused President Farmaajo of seeking to centralize power. In August and September 2021, tensions between Farmaajo and Prime Minister Roble increased amid a dispute over the leadership of the National Intelligence and Security Agency (NISA). Tensions escalated again at the end of December when Farmaajo attempted to suspend Roble, with each accusing the other of wrongdoing.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant in Somalia, and state agencies tasked with combating it do not function effectively. Impunity is the norm for public officials accused of malfeasance.

A 2019 law called for the creation of state and national anticorruption commissions; the members of the national commission were appointed in April 2021. The government ratified the African Union (AU) Convention on Preventing and Combating Corruption in 2020. However, these steps have yet to result in tangible progress toward accountability and deterrence.

C3. Does the government operate with openness and transparency? 0 / 4

Government transparency is limited. Officials are not required to make public declarations of their income and assets, and oversight procedures for public contracts are not well enforced. There is no law guaranteeing public access to government information.

CIVIL LIBERTIES: 6 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 1 / 4**

While the provisional constitution calls for freedom of the press, journalists regularly face harassment, arbitrary detention, suspension, fines, and violence from both state and nonstate actors. In 2020, the president signed amendments to the media law that included ostensible protections for journalists' rights but also featured vaguely worded provisions criminalizing the dissemination of "false information," reports that conflict with the "national interest," and incitement to violence and clan divisions. The law grants the Ministry of Information broad powers to regulate the media.

The Committee to Protect Journalists (CPJ) reported that the Shabaab killed two journalists in 2021, and the United Nations (UN) recorded the detention of multiple journalists throughout the year. The CPJ and the Somali Journalists Syndicate noted that many of those arrested and harassed were targeted because of their reporting on political tensions around the postponed presidential election.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Nearly all Somalis are Sunni Muslims, though there is a very small Christian community whose members generally do not practice their religion in public. Conversion from Islam is illegal in some areas, and suspicions of conversion can draw societal harassment throughout the country. Despite containing clauses that promote religious freedom and outlaw religious discrimination, the provisional constitution recognizes Islam as the state religion and forbids the promotion of any other faith.

In areas under their control, the Shabaab use violence to enforce their interpretation of Islam, including execution as a penalty for alleged apostasy.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Despite limited funding and infrastructure, as well as other challenges, universities operate in major cities. Academics reportedly practice self-censorship on sensitive topics. Islamic instruction is required in all schools except those operated by non-Muslim minority groups. Schools under Shabaab control integrate radical interpretations of Islam into the curriculum.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Individuals enjoy some freedom of expression in more secure areas of the country, but criticism of powerful figures in the state and society can draw reprisals, and social media posts that touch on sensitive political or religious topics are subject to criminal punishment. Open debate is severely restricted in areas controlled or threatened by the Shabaab.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12**E1. Is there freedom of assembly? 1 / 4**

Although the provisional constitution guarantees freedom of assembly, security officials require approval for demonstrations and have used violence to suppress unauthorized protests. Some demonstrations proceeded peacefully during 2021, including those in January by mothers who protested in response to reports that Somali soldiers trained in Eritrea had been sent to fight in Ethiopia's civil conflict. However, in February the government banned demonstrations, and police used live ammunition that month to disperse opposition protests against the postponement of the presidential election. Some protests featured violent clashes between supporters of Farmaajo and the opposition.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Local civil society groups, international nongovernmental organizations (NGOs), and UN agencies have been able to conduct a wide range of activities in some parts of the country, but they face difficult and often dangerous working conditions. Regional authorities and security forces have reportedly harassed, extorted, obstructed, and attempted to control NGOs and aid groups, and the Shabaab generally do not allow such organizations to operate in their territory.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Independent labor unions are active in Somalia and have worked to expand their operations and capacity. However, constitutional and legal protections for union activity are not always respected. The Federation of Somali Trade Unions has reported threats, dismissals, attempts at co-optation, and other forms of repression and interference from both government officials and private employers.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The judicial system in Somalia is fractured, understaffed, and rife with corruption. Its authority is not widely respected, with state officials ignoring court rulings and citizens often turning to Islamic or customary law as alternatives.

In July 2020, the cabinet approved the appointment of five members to the Judicial Service Commission, a constitutionally required body tasked with overseeing the federal courts. Political opposition and civil society groups argued that the appointments were made without proper authority or consideration of the candidates' qualifications and independence.

F2. Does due process prevail in civil and criminal matters? 0 / 4

The country's police, intelligence, and military services do not observe safeguards against arbitrary arrest and detention, and their work is undermined by corruption. Clan politics and other external factors often play a role in the outcome of court cases. Military

courts routinely try civilians, including for terrorism-related offenses, and do not respect basic international standards for due process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The ongoing armed conflict with the Shabaab has featured numerous terrorist attacks on government, international, and civilian targets, as well as indiscriminate lethal violence and excessive force against civilians by government security services, international troops, and various local militias. UN officials documented the killing of hundreds of civilians in 2021, including suicide bombings with civilian targets, clashes between Shabaab militants and villagers, and assassinations. The Shabaab also engage in public executions of those they suspect of working with the government or international forces.

Tensions increased in Galmudug State in October and November 2021 following fighting between the Ahlu Sunna Wal Jama (ASWJ) militia and state and federal security forces. Negotiations to resolve the ASWJ's political status within the Galmudug administration continued at year's end.

The unexplained June 2021 disappearance of an intelligence officer, Ikran Tahlil Farah, contributed to the political conflict between Farmaajo and Robles, with the prime minister attempting to suspend the NISA's leader, a Farmaajo ally, over the case. Tahlil's family alleged that NISA officers were involved in her disappearance, while in early September the agency stated that she had been killed by the Shabaab.

Authorities carry out executions ordered by military courts after flawed proceedings. Detainees are at risk of torture in custody, and perpetrators generally enjoy impunity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

While the provisional constitution and legal system offer some formal protections against discrimination based on sex, clan, and other categories, they have little force in practice. Women face widespread disadvantages in areas including housing, education, and employment, and members of marginalized clans and some non-Somali ethnic groups suffer disproportionately from economic exclusion and violence.

LGBT+ people generally do not make their identity public. Same-sex sexual activity can be punished with up to three years in prison under the penal code, and individuals accused of engaging in such activity are subject to execution in Shabaab-controlled areas.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 0 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Travel throughout Somalia is dangerous due to periodic combat, attacks on civilians, and the presence of checkpoints controlled by security forces, militias, the Shabaab, and other armed groups that commonly extract arbitrary fees and bribes from travelers.

Approximately 2.9 million people were internally displaced in Somalia at the end of 2021, having been forced to move due to conflict and insecurity as well as flooding and other disasters.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The provisional constitution guarantees property rights, but securing ownership is complicated by a mixture of formal and informal or traditional systems governing land

rights. Procedures for registering property and businesses are impeded by corruption and other barriers, and disputes can lead to intimidation and violence. The Shabaab and other extremist groups manage elaborate extortion and “taxation” schemes, placing tremendous pressure on business owners.

Women do not enjoy equal rights to inherit property and are often denied the assets to which they are legally entitled due to discriminatory social norms.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Forced and child marriages are widespread, and the Shabaab impose forced marriages with their fighters. Individuals can face strong societal pressure to marry or not marry within certain clans. Female genital mutilation (FGM) is extremely common despite a formal ban.

Sexual violence remains a major problem, especially for displaced persons. Perpetrators include government troops and militia members. The UN documented an almost 80 percent increase in rape and other forms of sexual assault from 2019 to 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Child labor and trafficking in persons for the purposes of sexual exploitation or forced labor are common. Refugees and internally displaced people are particularly vulnerable to exploitation. Children are abducted or recruited to serve as fighters by the Shabaab and to a lesser extent by government and militia forces.

South Africa

Population: 60,100,000

Capital: Pretoria

Freedom Status: Free

Electoral Democracy: Yes

Overview: South Africa is a constitutional democracy. Since the end of apartheid in 1994, it has been regarded globally as a proponent of human rights and a leader on the African continent. However, reports of corruption among government officials often emerge, and in recent years, the ruling African National Congress (ANC) has been accused of undermining state institutions to protect corrupt officials and preserve its power as its support base has begun to wane. Gender-based violence is a severe challenge.

KEY DEVELOPMENTS IN 2021

- In July, former president Jacob Zuma was arrested on contempt charges and given a 15-month prison sentence, after he refused to present himself before a corruption inquiry hearing. He was released in September on medical parole after an undisclosed medical procedure, and a judge in December allowed him to remain on medical parole while he appealed his initial arrest.
 - Also in July, riots and looting broke out in KwaZulu-Natal and Gauteng provinces, sparked by the jailing of former president Zuma. Though security forces were largely restrained in their actions, more than 350 people were killed in the violence.
 - In February, the Constitutional Court declared that provisions of the Regulation of Interception of Communications Act (RICA) regarding the bulk interception of data
-

for surveillance purposes are unlawful and invalid. The court challenge was originally launched by the amaBhungane Centre in 2017, and in September 2019, the Gauteng High Court had ruled that several sections of the act were unconstitutional.

POLITICAL RIGHTS: 33 / 40**A. ELECTORAL PROCESS: 12 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The National Assembly, the main legislative house of South Africa's bicameral Parliament, elects the president to serve concurrently with its five-year terms, and can vote to replace him or her at any time. Presidents can serve a maximum of two terms of five years each.

In 2018, the National Assembly selected Cyril Ramaphosa, who had replaced former president Zuma as head of the ANC, to serve as acting president. In the most recent national elections, held in May 2019, the ANC won 57.5 percent of the vote, and the National Assembly selected Ramaphosa to serve a full term as president later that month.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 400-seat National Assembly is elected by party-list proportional representation. The 90 members of the upper chamber, the National Council of Provinces, are selected by provincial legislatures. Parliamentary and provincial elections were concurrently held in May 2019. The ANC won 230 National Assembly seats with 57.5 percent of the vote. The opposition Democratic Alliance (DA) won 84 seats with 20.8 percent of the vote and maintained control over Western Cape Province. The Economic Freedom Fighters (EFF) won 44 seats, the Inkatha Freedom Party (IFP) won 14, Freedom Front Plus (FF+) won 10, and smaller parties won the remaining 18 seats.

Municipal elections are held separately from the national and provincial elections. The November 2021 municipal elections were declared credible by independent observer missions. The ANC recorded its worst outcome since the end of apartheid, taking only 46 percent of the vote.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The Independent Electoral Commission (IEC) is largely considered independent, and the electoral framework is considered fair. Long-term problems with missing addresses of registered voters were resolved in 2019.

In recent years concerns have been raised around the integrity of the IEC's leadership and internal biases. Due to the COVID-19 pandemic, the IEC proposed that the November 2021 municipal elections be postponed to 2022. The ruling ANC agreed to the postponement, as they had not yet submitted their list of candidates. However, the Constitutional Court upheld a court challenge by the opposition requiring the elections to be held by the originally scheduled date. The DA also initiated an unsuccessful court challenge to prevent the ANC from fielding candidates after the deadline, which they claimed was only allowed because of bias within the IEC.

The IEC was entangled in another court case initiated by a new far-right political party, ActionSA, which complained about its name being omitted from the ballot paper prepared for the municipal elections.

In September 2021, individual donations of 100,000 rand (nearly \$7,000) or more were made public for the first time under the Political Party Funding Act. In addition to disclosure of private funding, the law, enacted in April, requires registered political parties to submit audited financial statements to the IEC by the end of each fiscal year.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

The ANC, which is part of a tripartite governing alliance with the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), has won every national election since 1994. Nevertheless, the political environment is generally free from formal constraints, and opposition parties, including newer political groups, have gained ground in recent elections.

Violent incidents in some parts of the country affected the process of choosing candidates for the ANC list in the 2021 municipal elections. In September, an ANC incumbent candidate in Pretoria, Tshepo Motaung, was shot and killed by unknown gunmen suspected to be linked to a rival faction. Three ANC supporters were shot and killed during a meeting to nominate candidates in KwaZulu-Natal. Previous killings have been linked to corruption and intraparty factional battles to access state contracts. There are strong indications that the August 2021 murder of whistleblowing civil servant Babita Deokoran was linked to corruption within the party.

In June 2020, the Constitutional Court ruled that individuals are entitled to contest national and provincial elections. Parliament was given until June 2022 to enact electoral reforms that would enable individuals to contest seats in the National Assembly. Such legislation fulfilling this obligation has yet to be passed.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Though the ANC has won every national election since 1994, it recorded its poorest performances since the end of apartheid in the May 2019 national elections and the November 2021 municipal elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices in South Africa are largely free from domination from external actors, and the military generally stays out of politics. However, there is widespread corruption within the ANC; party officials have been accused of buying delegates' votes to the party conference and paying bribes to influence political appointments. There have also been reports of individuals buying party membership cards in bulk to hold full control of specific branches of the party.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

The constitution prohibits discrimination and provides full political rights for all adult citizens. Women are well represented in government, holding 47 percent of seats in the National Assembly and 2 of 9 provincial premierships. South Africa has one of the world's most liberal legal environments for LGBT+ people. However, discrimination and the threat of violence can discourage LGBT+ people from political participation in practice.

C. FUNCTIONING OF GOVERNMENT: 8 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Pervasive corruption and apparent interference by nonelected actors have hampered the proper functioning of government, particularly during the Zuma administration, which the Gupta family heavily influenced. In 2018, Zuma was forced by the High Court to appoint a Judicial Commission of Inquiry into state capture (external influence held over an administration)—namely by the Gupta family. When he came into power, President Ramaphosa amended the terms of the state capture inquiry to enable the evidence gathered by the Commission to be used in prosecutions. Zuma has since been waging a legal fight to fend off the Commission's demands after he had been implicated by over 30 witnesses in several instances of wrongdoing. Zuma was arrested in July 2021 for failing to appear before Commission meetings.

President Ramaphosa testified twice at the Judicial Commission of Inquiry, first in his capacity as ANC president and secondly as president and former deputy president of the republic. He admitted in his testimony that there had been significant state capture during Zuma's presidency.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Comprehensive anticorruption laws and several agencies tasked with combating corruption exist, but enforcement has historically been inadequate. Several former and current government officials accused of corruption have not been prosecuted. The Auditor General has outlined in past annual reports that accountability failures have not been addressed. The August 2021 murder of Babita Deokoran, a whistleblower who tipped off the Special Investigations Unit (SIU) to corruption in the Gauteng health department, suggests that protection measures for whistleblowers are weak.

The National Prosecuting Authority (NPA) was hobbled by political interference during the Zuma administration. In November 2020, Zuma walked out of a Judicial Commission of Inquiry meeting into state capture and corruption to which he had been summoned. The next month the Constitutional Court heard an application to compel Zuma to appear. In July 2021, Zuma was arrested on contempt charges and given a 15-month prison sentence for refusing to present himself. He was released in September on medical parole after an undisclosed medical procedure, and a judge in December allowed him to remain on medical parole while he appealed his initial arrest.

In August 2020, allegations of corruption were brought against high-ranking officials, including some affiliated with the ANC and in the Ramaphosa government, for purchases that were a part of the \$26 billion coronavirus pandemic relief package. Private companies charged the government in some cases more than five times the price the national treasury had advised for personal protective equipment. Provincial governments were also implicated in a report from the auditor general flagging over 30,000 relief grants that required investigation. That month, President Ramaphosa commissioned a series of investigations by the SIU into corruption involving the pandemic relief package. In September 2021, Minister of Health Zweli Mkhize was forced to step down after the SIU found evidence that the ministry had awarded his associates with a 150-million-rand (\$10.4 million) COVID-19 communications contract, money which in part went to members of Mkhize's family.

However, the ANC has used its majority in Parliament to block crucial legislative oversight investigations, shielding its representatives from corruption inquiries. For example, in April 2021, ANC members of Parliament rejected a proposal to investigate a potentially irregular contract for a multi-billion-rand program with the Portfolio Committee on Mineral Resources and Energy that would expedite the building of new power production plants.

The ANC in May 2021 suspended its secretary-general, Ace Magashule, who was charged with 21 counts of corruption linked to his nearly decade-long tenure as head of the Free State provincial government. His attempt to appeal the suspension in court failed in September.

C3. Does the government operate with openness and transparency? 3 / 4

Section 32(1) of the South African constitution states that everyone has the right to access “any information held by the state” and requires that private bodies release information necessary for the exercise and protection of rights. The 2000 Promotion of Access to Information Act created a framework for access to information procedures in both public and private entities. However, in practice the procedure of accessing information is laborious and bureaucratic. A lack of transparency and a lack of competitive bidding have affected the awarding of government contracts.

In August 2020, the Ramaphosa administration promised to overhaul the government’s procurement system after evidence of wide-scale corruption in the allotment of the \$26 billion coronavirus pandemic relief package.

CIVIL LIBERTIES: 46 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Freedoms of expression and the press are constitutionally protected and generally respected in practice. South Africa features a vibrant and adversarial media landscape, including independent civic groups that help expose government malpractice and efforts to encroach on freedom of expression.

However, journalists face harassment for critical reporting and occasional attacks, with ruling and opposition parties exerting pressure on both state-run and independent outlets. In March 2020, the government passed new regulations under the 2002 Disaster Management Act, including some that criminalized disinformation about the COVID-19 pandemic. The Committee to Protect Journalists (CPJ), an independent press freedom watchdog, warned that the regulations could be used to further censor legitimate media outlets. In May 2020, police harassed, assaulted, and detained journalist Paul Nthoba, editor of the weekly *Mohokare News*, who photographed four officers while on patrol enforcing coronavirus lockdown measures. Nthoba was charged under a COVID-19 regulation of the Disaster Management Act.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally guaranteed and actively protected by the government. Religious leaders are largely free to engage in discussions of a political nature without fear of adverse consequences.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom in South Africa is constitutionally guaranteed and actively protected by the government.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

South Africans are generally free to engage in private conversations of a political nature without harassment. In September 2019, the High Court found that parts of RICA, the law governing surveillance, were unconstitutional because it did not, among other things,

have sufficient safeguards against state organs abusing intercepted private communication between citizens. The National Assembly was given two years to rectify the defects. In February 2021, the Constitutional Court declared that the provisions of RICA regarding the bulk interception of data for surveillance purposes are unlawful and invalid.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally guaranteed and generally respected. South Africa has a vibrant protest culture. Demonstrators must notify police of events ahead of time, but are rarely prohibited from gathering; in 2018, the Constitutional Court ruled that a failure to notify authorities of intent to protest could not be classified as a crime. Protests over the government's shortcomings in the provision of public services are common in South Africa, though they sometimes turn violent. Police have faced accusations of provoking some protest violence.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

South Africa hosts a vibrant civil society. Nongovernmental organizations (NGOs) can register and operate freely, and lawmakers regularly accept input from NGOs on pending legislation.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

South African workers are generally free to form, join, and participate in independent trade unions, and the country's labor laws offer unionized workers a litany of protections. Contract workers and those in the informal sector enjoy fewer safeguards. Strike activity is very common, and unionized workers often secure above-inflation wage increases. Union rivalries, especially in mining, sometimes result in the use of violent tactics to recruit and retain members and to attack opponents.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 3 / 4

The constitution guarantees judicial independence, and courts operate with substantial autonomy in practice. Courts have ruled against the government in several high-profile cases, including in 2019 and again in 2021, when parts of RICA were declared unconstitutional.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Prosecutorial independence in South Africa has been undermined in recent years, with the National Prosecuting Authority (NPA) experiencing a string of politically motivated appointments and ousters.

However, President Ramaphosa appointed a new NPA head in 2018, who has worked to reform the institution. In October 2019, the NPA further bolstered its capacity when it hired several private lawyers to prosecute state capture cases.

Shortages of judicial staff and a lack of financial resources undermine defendants' due process rights, including the right to a timely trial and state-funded legal counsel. Many detainees wait months for their trials to begin, and some are held beyond the legal maximum of two years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

During the COVID-19 lockdown in 2020, security forces were responsible for the death of at least 10 Black South Africans. In one high-profile case in April, Collins Khosa died following an altercation in his yard with security forces. Soldiers and police beat Khosa, and a medical examination found blunt force head injury to have caused his death. A leaked report on the matter by a military board of inquiry of the South African National Defense Force (SANDF) claimed the soldiers involved in the incident were not liable for Khosa's death; Khosa's family subsequently sued the government. In May 2020, a North Gauteng High Court judge ruled the soldiers should be suspended.

Despite constitutional prohibitions, police torture and use excessive force during arrest, interrogation, and detention are commonly reported. The Independent Police Investigative Directorate (IPID) is legally required to investigate allegations of police offenses or misconduct. In its report for 2020–21, the IPID reported 570 cases of death either in police custody or as a result of police action, 80 cases of rape by police officers, 256 incidents of torture, and 4,228 cases of assault. Official statistics released in 2020 continued to show a high rate of violent crimes in some parts of the country.

In July 2021, riots and looting broke out in KwaZulu-Natal and Gauteng provinces, sparked by the jailing of former president Zuma. Though security forces were largely restrained in their response, more than 350 people were killed in the violence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Protector are empowered to investigate and prosecute discrimination cases. Affirmative-action legislation has benefited previously disadvantaged racial groups in public and private employment and in education, but racial imbalances in the workforce persist. White people, constituting a small minority, still own a majority of the country's business assets. The Khoikhoi and Khomani San peoples suffer from social and legal discrimination.

The constitution guarantees equal rights for women, which are actively promoted by the Commission on Gender Equality. Nevertheless, women are subject to wage discrimination in the workplace and are poorly represented in top management positions.

Xenophobic violence against immigrants from other African countries has broken out in recent years. The government's 2019 National Action Plan to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance (NAP) has largely failed to improve accountability for perpetrators of xenophobic abuse and provide justice for their victims. Political leadership on countering xenophobic violence has been lacking, and in some cases political leaders have blamed foreign nationals for their own failure to deliver on political promises. State Security Minister Ayanda Dlodlo announced in July 2021 that authorities were investigating attacks on foreign nationals during the violence in Gauteng and KwaZulu-Natal that month.

South Africa's asylum system is hampered by delays and administrative errors, leading to a backlog of hundreds of thousands of applications. Asylum seekers living in the country often lack official documentation that guarantees access to local services, and asylum applications are almost always rejected when they are processed.

Services and accommodations for disabled people remain generally inadequate, especially in the education sector. Human Rights Watch (HRW) reported that disabled schoolchildren are often excluded from the mainstream education system and are instead enrolled in special schools that do not consistently support their developmental needs.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

While there are no official restrictions on housing, employment, or freedom of movement for most South Africans, travel and some other personal freedoms are inhibited by the country's high crime rate. For many foreigners, the threat of xenophobic violence impedes freedom of movement as well. The legacy of apartheid continues to segregate the population and restrict nonwhite opportunity for employment and education. Rising crime rates compromise citizen's safety when traveling.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The state generally protects citizens from arbitrary deprivation of property. However, the incidents of looting in July 2021 suggests that authorities lack the capacity to protect private property from violent responses to tense political moments. However, the vast majority of farmland remains in the hands of white South Africans, who make up some 9 percent of the population. Illegal squatting on white-owned farms is common, as are attacks on white farm-owners.

In a 2017 party conference, the ANC resolved there was a need to expropriate land without compensation for redistribution purposes, on the condition that such expropriation should not negatively affect the economy or compromise food security. Since then, there has been intense public debate about the best way to effect meaningful land reform to address apartheid-era inequalities in property ownership. A proposed constitutional amendment to address these issues failed to pass Parliament in December 2021.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Despite a robust legal framework criminalizing domestic violence and rape, gender-based violence remains a grave challenge in South Africa. The South Africa Police Service (SAPS) reported 36,330 rapes during the agency's 2020–21 reporting period. There are frequent reports of physical attacks against LGBT+ people, including instances of so-called corrective rape, in which men rape lesbians, claiming that the action can change the victim's sexual orientation. Sexual harassment is common, and reports of forced marriages persist.

Femicide is also a severe problem, with nearly 2,700 women being murdered during the government's 2019–20 reporting period; many were raped or sexually assaulted before their deaths. In April 2020, police minister Bheki Cele reported that the police had received more than 2,300 complaints of gender-based violence in the first week that COVID-19 restrictions were implemented. Several high-profile acts of violence against women occurred in 2020, including the murder of Tshegofatso Pule in June in a Johannesburg suburb. Pule was eight months pregnant at the time, and her murder sparked nationwide protests. President Ramaphosa has pledged to review legislation on sexual offenses, publish a national sexual offenders list, and launch a public education program on gender-based violence; in September 2020, Ramaphosa introduced three bills to the National Assembly to fight gender-based violence.

Same-sex couples have the same adoption rights as heterosexual married couples, and same-sex marriage is legal.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

South Africa's deteriorating economic position has triggered some politicians to consider limiting the involvement of foreigners in some business sectors. In September 2020,

the country's wealthiest province of Gauteng published a draft provincial ordinance, the Gauteng Township Economic Development Bill, to curtail foreigners from establishing certain types of businesses that locals can establish. The bill has triggered intense public debate and had not been passed into law by the end of 2021.

Inequality levels in South Africa are among the highest in the world. Only a small percentage of the population benefits from large state industries, and the economy is controlled by a relatively small number of people belonging to the political and business elite.

South Africans predominantly from rural regions, as well as foreign migrants, are vulnerable to sex trafficking and forced labor. Organized criminal syndicates are responsible for the bulk of trafficking. According to the US State Department's *Trafficking in Persons Report 2021*, the government has made significant efforts to combat this issue, though it had not increased its efforts during the COVID-19 pandemic, which has impacted its capacity to fight the issue.

South Korea

Population: 51,800,000

Capital: Seoul

Freedom Status: Free

Electoral Democracy: Yes

Overview: South Korea's democratic system features regular rotations of power and robust political pluralism, with the largest parties representing conservative and liberal views. Civil liberties are generally respected, though the country struggles with minority rights and social integration. Legal bans on pro-North Korean activity affect legitimate political expression, and members of the press can face pressure from the government over their coverage of or commentary on inter-Korean relations. Corruption is also a persistent problem, with scandals implicating successive governments and executives from the country's largest companies in recent years.

KEY DEVELOPMENTS IN 2021

- COVID-19 transmission in South Korea persisted, with a series of spikes in case numbers in July, September, and December, and preventative measures were adjusted accordingly. The government was criticized for its relatively slow acquisition of vaccines, but about 81 percent of the population was vaccinated by mid-December.
 - Despite numerous efforts, President Moon Jae-in was largely unsuccessful in reviving inter-Korean relations during the year. Communication hotlines that had been severed in 2020 were restored in July, but the North Korean government was unresponsive for a period after its demands to cancel planned US-South Korean military exercises in August were ignored. Communications were restored again in October.
 - In August, South Korean forces evacuated 391 Afghans from Kabul as part of the larger US-led military withdrawal. South Korean authorities accepted Afghans who had worked for the country's embassy and other state agencies, but instead of receiving refugee status, they were designated as "special contributors." While the decision was explained as an attempt to avoid the discrimination and
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resistance South Koreans often harbor toward refugees, it raised questions about the Afghans' access to the government assistance and permanent residency normally afforded to refugees.

POLITICAL RIGHTS: 33 / 40**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The 1988 constitution vests executive power in a directly elected president, who is limited to a single five-year term. Executive elections in South Korea are largely free and fair. Moon Jae-in of the liberal Democratic Party (DP), also known as the Minjoo Party, won a 2017 snap presidential election following the impeachment of former president Park Geun-hye. Moon took 41 percent of the vote, followed by Hong Jun-pyo of the conservative Liberty Korea Party (LKP) with 24 percent and Ahn Cheol-soo of the centrist People's Party with 21 percent. About 77 percent of registered voters turned out for the election.

While voters were not unduly pressured by electoral authorities, Kim Kyoung-soo, the governor of South Kyōngsang Province, collaborated with blogger Kim Dong-won to manipulate the dissemination of 80,000 news articles so that social media platforms would portray Moon more positively. Governor Kim was convicted and sentenced to two years in prison for the scheme in January 2019; the sentence was upheld in July 2021, and he was eventually forced to leave office.

In October 2021, DP presidential candidate Lee Nak-yeon appealed the results of the DP's primary election, which Lee Jae-myung won with 50.29 percent of the vote. Ballots for candidates who dropped out during the primary were not counted in that total; doing so would have reduced Lee Jae-myung's share to under 50 percent and forced a runoff vote. Lee Nak-yeon's appeal was rejected, and Lee Jae-myung was set to face the conservative People Power Party (PPP) nominee, Yoon Seok-youl, in the March 2022 general election. The two presidential candidates made corruption allegations against each other and threatened to pursue charges if elected.

In April 2021 subnational by-elections, two metropolitan mayoralties and two municipal mayoralties were among the 21 positions contested. The PPP won both metropolitan mayoralties, along with 13 of the 19 other positions. In October, Busan mayor Park Heong-joon was indicted on charges of making false statements during his campaign in April. Also that month, prosecutors declined to indict Seoul mayor Oh Se-hoon on the same charges, saying that statements he had made while campaigning did not violate election law.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral National Assembly has 300 members serving four-year terms, with 253 elected in single-member constituencies and 47 through national party lists. In the April 2020 legislative elections, the DP won 180 seats, while the PPP won 103. Smaller parties and independents captured the remainder. Voter turnout was expected to drop due to the pandemic, but special safety measures were implemented, leading to a turnout of 66.2 percent, the highest in 28 years.

Allegations of voter disenfranchisement, election fraud, and Chinese interference surfaced after the 2020 elections but were dismissed for lack of evidence. Pandemic-related shutdowns of embassies and consulates around the world prevented more than 87,000 citizens living overseas from voting.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Elections are managed by the National Election Commission, an independent nine-member body appointed for six-year terms. Three members are chosen by the president, three by the National Assembly, and three by the Supreme Court. While elections are generally considered free and fair, malapportionment has historically affected National Assembly constituencies, giving outsized voting power to thinly populated rural areas. A revised map adopted for the 2016 elections mitigated the problem, in keeping with a 2014 Constitutional Court ruling.

A law that took effect in April 2020 altered the formula for allocating the 47 proportional seats in the National Assembly, allowing the legislature to better reflect the national vote and giving smaller parties a better chance of winning seats.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political pluralism is robust, with multiple parties competing for power, though party structures and coalitions are very fluid. In addition to the two main parties, several smaller groups are represented in the National Assembly, as are a handful of unaffiliated members.

The National Security Law (NSL) bans pro-North Korean activities, and in one case—that of the United Progressive Party in 2014—the Constitutional Court dissolved a political party for violating the NSL.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple transfers of power between rival conservative and liberal parties since the early 1990s, and the orderly election and inauguration of President Moon in 2017 after the impeachment of former conservative president Park Geun-hye reinforced this democratic pattern.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Family-controlled business empires known as *chaebol* dominate the country's economy and have amassed significant political influence, which has historically protected their interests despite calls for reform. Corruption scandals involving chaebol bribery have affected almost all of South Korea's former presidents. President Moon came to power promising to reform these large firms, but instead relied on chaebol to bolster the country's domestic supply chains as it faced the continued economic consequences of a trade war with Japan and COVID-19.

The National Intelligence Service (NIS) has been implicated in a series of scandals in recent years, including allegations that it sought to influence the 2012 presidential election and later conducted illegal surveillance targeting President Park's opponents. In December 2020, the legislature passed a reform bill that limited the NIS's mandate to collecting information related to North Korea and overseas interests and prohibited the agency from conducting domestic surveillance operations; responsibility for investigating pro-Pyongyang activities in South Korea was set to be transferred to the police by the end of 2023. Despite pressure from organizations like Human Rights Watch, the new law did not reform or repeal the NSL.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Although the country's few citizens of non-Korean ethnicity enjoy full political rights under the law, they rarely win political representation. Residents who are not ethnic Koreans face extreme difficulties obtaining citizenship, which is based on parentage. North Korean defectors are eligible for citizenship, and Thae Yong-ho became the first to win a constituency seat in the National Assembly in 2020; another defector, Ji Seong-ho, won a seat through proportional representation.

Women enjoy legal equality but remained underrepresented in politics in 2021, holding 19 percent of the seats in the National Assembly and six seats in President Moon's cabinet. A group of women lawmakers introduced a reform bill in 2019 that would reserve half of the legislature's seats for women and require gender parity in parties' candidate lists in future races. However, the bill made no progress in 2021.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Elected officials generally determine and implement state policy without undue interference from unelected entities and interests.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Despite government efforts to prevent corruption, practices such as bribery, influence peddling, and extortion persist in politics, business, and everyday life, though investigations into and prosecutions of such acts are robust. The 2016 Kim Young-ran Act, or Improper Solicitation and Graft Act, establishes stiff punishments for those convicted of accepting bribes and applies to government officials as well as their spouses, journalists, and educators. In January 2021, the Corruption Investigation Office for High-Ranking Officials (CIO) was established to investigate corruption allegations against public officials including legislators, prosecutors, judges, and the president, with the authority to unilaterally indict police officers, prosecutors, and judges.

Ongoing investigations have examined allegations that public officials and employees related to the Korea Land and Housing Corporation (LH) engaged in speculative land purchases based on insider information, with the first warrant issued in March 2021. The suspects at year's end numbered in the hundreds, including three National Assembly members. In October, a similar investigation was launched into the role played by an aide to Lee Jae-myung, the presidential candidate and outgoing governor of Gyeonggi Province, in a land development project in Seongnam. Amid growing anger over real-estate scandals, President Moon called for new legislation to combat conflicts of interest among public servants.

Samsung vice-chairman Lee Jae-yong was sentenced to five years in prison in 2017 for bribery related to former president Park's administration; after a retrial, he was sentenced to 30 months in prison in January 2021, then released on parole in August after serving 18 months in total.

In 2020, a former aide to President Moon was arrested for allegedly accepting bribes and leaking information about a state inspection of a troubled hedge fund during his time in the Blue House. Justice Minister Choo Mi-ae ordered Prosecutor General Yoon Seok-youl to recuse himself from the matter, claiming that he had failed to conduct fair, thorough investigations into opposition politicians and prosecutors implicated in the case. The intervention was unusual and criticized as an abuse of power amid a wider dispute between Choo and Yoon that eventually led both to resign, in December 2020 and March 2021, respectively;

Yoon went on to run for president on behalf of the PPP. In September 2021, the CIO opened an investigation into charges that Yoon had abused his power and meddled in politics while in office as prosecutor general.

C3. Does the government operate with openness and transparency? 2 / 4

The 1998 Act on Disclosure of Information by Public Agencies allows citizens and resident foreigners to request access to the records of public agencies, except those related to national security. Access to some documents, such as those pertaining to the 2014 *Sewol* ferry disaster, has been denied despite lawsuits seeking their disclosure.

President Moon pledged to fight corruption and improve transparency in the wake of his predecessor's impeachment, but his administration suffered from a series of scandals involving the transparency of funding decisions, official statistics, and other matters.

In response to the COVID-19 pandemic that began in early 2020, the government acted with openness and transparency, promoting nationwide testing and contact tracing to contain the virus. The Korea Disease Control and Prevention Agency (KCDA) provided public health guidelines and daily updates about COVID-19 cases, tests performed, and deaths. Spending decisions were also made transparently, as the National Assembly approved supplementary budgets to curb outbreaks.

CIVIL LIBERTIES: 50 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

The news media are generally free and competitive, reporting aggressively on government policies and allegations of official and corporate wrongdoing. However, a defamation law authorizes sentences of up to seven years in prison or fines of up to 50 million won (\$44,000), encouraging a certain degree of self-censorship, and journalists have faced political interference from managers and government officials.

News coverage or commentary deemed to favor North Korea can be censored and lead to prosecution under the NSL, and access to North Korean media is banned. In addition, the Korea Communications Standards Commission evaluates online content found by its staff or referred to it by other government agencies, and blocks or deletes the material according to vaguely defined standards, though most of the affected content is reportedly related to illegal sex work, pornography, gambling, promotion of illegitimate food and medicine, or other criminal activity.

In April 2021, new sales of founding North Korean leader Kim Il-sung's memoir in South Korean bookstores raised controversy. The Unification Ministry evidently did not grant permission for the memoir to be available for public consumption, and the South Korean publisher, Kim Seung-kyun, faced possible prison time if he was found to have violated the NSL.

In July 2021, the DP proposed revisions to the country's Act on Press Arbitration and Remedies, etc. for Damage Caused by Press Reports that would increase media responsibility for fake news. In August and September, both Human Rights Watch and Reporters Without Borders criticized the draft amendments for being too broadly written and threatening freedoms of the press and expression.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is guaranteed by the constitution and generally respected in practice. In October 2021, however, the National Human Rights Commission of Korea stated

that the suspension of a mosque construction project in Daegu was due to discrimination and prejudice.

Until recently, the military conscription system did not permit conscientious objection, and hundreds of men—nearly all of them Jehovah’s Witnesses—were imprisoned each year for refusing military service. A 2018 Constitutional Court ruling found that the government had to provide alternative forms of service for conscientious objectors, and as of June 2021, 1,419 of 2,173 objectors had gained approval to perform alternative service.

Coronavirus cluster cases that were traced back to churches led to restrictions on gatherings of large groups of worshippers through most of 2020 and 2021. The Shincheonji Church of Jesus was linked to more than 5,000 cases associated with the country’s initial outbreak and was sued by the city of Daegu for ignoring quarantine efforts. Its leader, Lee Man-hee, was arrested and indicted in August 2020, but in January 2021 he was acquitted of breaking public health laws.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is mostly unrestricted, though the NSL limits statements supporting the North Korean regime and restricts access to material related to North Korea. Separately, the 2016 anticorruption law subjects teachers and administrators to the same tight restrictions as public officials. Certain portrayals of sensitive historical issues—such as imperial Japan’s wartime sexual enslavement of Korean women—can be subject to government censorship or prosecution under the country’s defamation laws and other statutes.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is typically free and open, and the government generally respects citizens’ right to privacy. However, the government’s capacity for surveillance remains robust. An antiterrorism law grants the NIS expansive authority to monitor private communications. The NIS, police, prosecutors, and investigative agencies can also access metadata without a warrant; this includes internet users’ national identification numbers, postal addresses, and telephone numbers.

The NSL restricts speech that is considered pro-North Korean. As of 2021, the Constitutional Court was reviewing the constitutionality of the law’s Article 7, which punishes those who praise North Korea’s regime or produce, carry, or distribute pro-North Korean materials, but the article has repeatedly been upheld in past cases. A proposal to repeal the law was introduced in the National Assembly in May. A number of South Korean citizens were charged with violating the NSL during 2021, though they were accused of offenses such as plotting to escape to the North, meeting and communicating with a North Korean agent, or receiving money and following orders from North Korean operatives.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The government generally respects freedom of assembly, which is protected under the constitution. However, several legal provisions conflict with this guarantee, sometimes creating tension between the police and protesters over the application of the law. Bans on large public gatherings fluctuated throughout 2021 in response to the evolving threat from COVID-19.

Despite these restrictions, union rallies and antigovernment protests were held during the year, including large demonstrations in July and mid-August. Numerous police and bus

barricades were set up along streets and squares in central Seoul, along with some checkpoints to deter protesters.

LGBT+ pride events have sometimes been disrupted by counterprotesters. Due to COVID-19 containment measures, the 2021 Seoul Queer Culture Festival was held online.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Human rights groups and other nongovernmental organizations (NGOs) are active and generally operate freely, despite the risk of political pressure when they criticize the government or other powerful interests. Many South Korean NGOs rely on government grants even as they pursue independent agendas.

NGOs focusing on human rights in North Korea and on support for defectors came under intense scrutiny and pressure during the tenure of President Moon, who prioritized improving inter-Korean relations. The North Korea Human Rights Foundation (NKHHRF), which was established by a 2016 law and was meant to provide financial support to human rights activists and organizations, has been largely inactive since its funding was cut by 93 percent in 2018. The Moon administration ordered a crackdown in 2020 on human rights activists who send balloons carrying leaflets across the Demilitarized Zone (DMZ), after North Korean authorities denounced the practice, and officials revoked the licenses of two organizations engaged in such activities; authorities raided the office of a balloon activist in May 2021. Lawmakers adopted legislation banning the transfer of information, goods, and money to North Korea without government approval in 2020, prompting nearly 30 human rights groups to file a constitutional complaint. In February 2021, four North Korean defectors announced their intention to sue Unification Minister Lee In-young for defamation, claiming that he had deemed defector testimonies to be “untrustworthy lies.”

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to form independent unions and engage in strikes and collective bargaining. The country’s independent labor unions advocate for workers’ interests in practice, organizing high-profile strikes and demonstrations that sometimes lead to arrests. However, labor unions have diminished in strength over time, as a growing number of South Koreans work on a temporary or part-time basis. Workplaces with fewer than 30 employees are not obligated to establish or operate collective agreements, and major employers are known to engage in antiunion activity.

F. RULE OF LAW: 12 / 16

F1. Is there an independent judiciary? 3 / 4

The chief justice and justices of the Supreme Court are appointed by the president with the consent of the National Assembly. Appointments are made based on recommendations from the chief justice, who is assisted by an expert advisory committee. The chief justice is also responsible for appointments to the lower courts, with the consent of the other Supreme Court justices. The president, the National Assembly, and the chief justice each nominate three members of the Constitutional Court. The judiciary is generally considered to be independent, but senior judges have been ensnared in corruption scandals in recent years.

Yang Sung-tae, who served as chief justice from 2011 to 2017, faced ongoing legal proceedings during 2021 after being accused in 2019 of manipulating high-profile cases in 47 instances to serve the interests of the administration and major businesses. Trials for several other judges who had been indicted for misconduct in 2019 have also moved forward, with at least three acquitted and two receiving suspended sentences.

In early February 2021, Lim Seong-geun, a senior judge at the Busan High Court, was impeached by the National Assembly for his involvement in a judicial scandal under the Park administration, becoming the first sitting judge to be impeached in the country's modern history. However, the Constitutional Court, which reviews impeachments, rejected the move in October, as Lim had retired at the end of his term in late February.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Judges render verdicts in all cases. While there is no trial by jury, an advisory jury system has been in place since 2008, and judges largely respect juries' decisions. Ordinary legal proceedings are generally considered fair, but the courts have sometimes been accused of denying due process and impartiality to defendants in NSL cases.

Former DP chair Choo Mi-ae was appointed as justice minister in 2020 after her predecessor was forced out over ethics violations. Choo repeatedly clashed with Prosecutor General Yoon Seok-youl over the management of cases, especially those involving former or current officials close to President Moon. Choo and Yoon resigned in December 2020 and January 2021, respectively, and a revised law preventing justice ministers from abusing their power over prosecutors concerning disciplinary measures took effect in January 2021. Lee Sung-yoon, chief of the Seoul Central District Prosecutors' Office, was indicted in May 2021 for allegedly abusing his power in 2019 to block an investigation into a potentially illegal exit ban imposed on a senior official.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Reports of abuse by guards in South Korea's prisons are infrequent, and prison conditions generally meet international standards. In September 2021, civic groups accused immigration authorities of using excessive force against an asylum seeker in an immigration detention center.

Violent crime is relatively rare, but the country remains at war with North Korea, resulting in a heavy military presence in some areas and the constant threat of renewed combat. Minor incidents of violence near the de facto border are not uncommon. In May 2020, for example, North Korean guards reportedly fired at a South Korean guard post at the DMZ.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

South Korea lacks a comprehensive antidiscrimination law. Members of the country's small non-Korean population face legal and societal discrimination, especially in the workforce. Children of foreign-born residents are systematically excluded from education and medical systems, though in April 2021 the government began granting temporary stay permits and related benefits to children of undocumented migrants who were born in the country. Separately, a mandatory COVID-19 testing requirement for foreign workers in Seoul was withdrawn in March amid concerns about discrimination.

Approximately 33,800 North Korean defectors have entered South Korea since 1998. While the government aims to integrate this group into society, defectors can face months of detention and questioning upon arrival. Some defectors have also reported abuse in custody and societal discrimination.

North Korean defectors do not need to apply for asylum using the same process as other applicants. Those from other countries are far more likely to have their claims rejected or mishandled by immigration officials. In 2021, only 3.3 percent of applicants were granted refugee status or humanitarian protection. A group of 391 Afghans who

were evacuated to South Korea as part of the US-led troop withdrawal from Afghanistan in August were only granted “special contributor” status, having worked for the South Korean embassy or other state agencies. While the decision was explained as an attempt to avoid the discrimination and resistance South Koreans often harbor toward refugees, it raised questions about the Afghans’ access to the government assistance and permanent residency normally afforded to refugees.

Women generally enjoy legal equality but face significant social and employment discrimination. Women currently hold 5.2 percent of executive positions at publicly listed companies. They earned 35.9 percent less income than men in 2020, a larger gender wage gap than in any other member state of the Organisation for Economic Co-operation and Development (OECD); the gap has reportedly worsened during the pandemic. President Moon pledged in March 2021 to reduce “career interruptions” for women, though no legislation has been passed to support such efforts.

Sexual harassment of women in the workplace is common, and a number of political figures have been accused as part of the #MeToo movement. The newly elected mayor of Seoul, Oh Se-hoon, vowed to address sexual harassment in the government, announcing a zero-tolerance policy in April 2021. In October, 15 military officials were indicted on charges related to an attempted cover-up in the case of an Air Force officer who died by suicide in May, months after she alleged that a colleague had sexually assaulted her.

Same-sex sexual relations are not restricted for the general population, but soldiers who engage in such activity are subject to a “disgraceful conduct” provision of the Military Criminal Act and face two-year prison terms. While existing human rights legislation bars discrimination based on sexual orientation, it does not offer specific penalties for violations, and transgender people are not explicitly protected. In 2020, a transgender soldier, Byun Hee-soo, was forcibly discharged following her gender confirmation surgery. Byun filed a lawsuit, but died by suicide in March 2021; a court then ruled in October that her discharge should be reversed. A watchdog organization found that 65.3 percent of 588 transgender survey respondents had experienced discrimination in the previous year.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Movement within South Korea and travel abroad are typically unrestricted, except for travel to North Korea, which requires government approval.

The government maintained some controls on movement in response to the COVID-19 pandemic during 2021. Travelers arriving from abroad were required to undergo a 14-day quarantine and install smartphone applications to monitor their health status, and visitors from “high-risk” countries had to submit a negative COVID-19 test result to enter; foreigners who broke the rules faced denial of entry or deportation, and citizens who defied the rules faced fines and arrest. These measures were generally seen as legitimate and proportional to the public health threat.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

South Korea fully recognizes property rights and has a well-developed body of laws governing the establishment of commercial enterprises. However, the economy remains dominated by chaebol that have colluded with political figures to pursue their own interests, and property ownership for individuals has become especially difficult due to soaring housing prices and restrictions on the construction of new homes.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are largely respected, and women and men generally have equal rights in divorce and custody matters, though same-sex marriage is not legal in South Korea. The country's health system does not allow same-sex couples to register for health insurance as spouses, leading to a lawsuit in February 2021.

In keeping with a 2019 Constitutional Court ruling, abortion was officially decriminalized on January 1, 2021; it had previously been legal only in cases of rape, incest, threats to the pregnant person's health, or designated disorders or diseases.

Domestic violence is common, despite laws designed to prevent such crimes. Legislation that would ban men with records of domestic violence or sexual crimes against children from inviting foreign women to immigrate for the purposes of marriage took effect in 2020, but many sexual offenses against children carry weak penalties. Also in 2020, lawmakers adopted a set of bills that strengthened punishments for online sex crimes, which have reportedly been on the rise.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Protections against exploitative working conditions are enforced by the authorities. Nevertheless, foreign migrant workers remain vulnerable to illegal debt bondage and forced labor, including sex trafficking. Migrant workers' groups have denounced the employment permit system and legislation that makes it difficult for individuals to change their place of employment, which can expose workers to abuses such as reduced pay and long hours without adequate rest periods.

Civic, religious, and health groups have called for action to address the deaths of couriers from overwork—a problem that has been exacerbated by an increase in online shopping during the pandemic. Couriers typically lack the labor protections of full-time employees.

Women in South Korea are vulnerable to recruitment by international marriage brokers and sex traffickers. Although the government actively prosecutes human trafficking cases, those convicted often receive light punishments.

South Sudan

Population: 11,400,000

Capital: Juba

Freedom Status: Not Free

Electoral Democracy: No

Overview: South Sudan, which gained independence from Sudan in 2011, entered a civil war in 2013, when a rift between President Salva Kiir Mayardit and the vice president he dismissed, Riek Machar, triggered fighting among their supporters and divided the country along ethnic lines. A 2018 peace agreement further delayed overdue national elections, instituting an uneasy power-sharing arrangement among political elites who have presided over rampant corruption, economic collapse, and atrocities against civilians, journalists, and aid workers.

KEY DEVELOPMENTS IN 2021

- In May, President Kiir dissolved and reconstituted the National Legislature under the terms of the 2018 peace agreement. Both houses were enlarged in the new legislature.
-

- The Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) of First Vice President Machar split in August when First Lieutenant General Simon Gatwech Dual declared himself interim chairman. Forces loyal to Machar and Gatwech fought as the year progressed, though Machar's forces were unsuccessful in breaking Gatwech's faction.
- Authorities launched a crackdown ahead of nationwide protests planned for August 30 by the People's Coalition for Civil Action (PCCA). Activists were arrested ahead of the protests. Internet access in and around Juba was restricted and security forces maintained a heavy presence in the capital on August 30.

POLITICAL RIGHTS: -3 / 40 (-1)

A. ELECTORAL PROCESS: 0 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Salva Kiir Mayardit was elected president of the semiautonomous region of Southern Sudan in 2010 and remained president when South Sudan gained independence in 2011. A revised version of Southern Sudan's 2005 interim constitution, adopted at independence, gives sweeping powers to the chief executive. The president cannot be impeached and has the authority to fire state governors and dissolve the legislature and state assemblies. A permanent constitution has not been published.

Elections due in 2015 were postponed due to the civil war. A peace agreement reached that year extended Kiir's mandate until April 2018. That July, the legislature voted to further extend Kiir's term to 2021, along with the mandates of his vice presidents, state legislators, and governors.

In 2020, parties to the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) implemented its power-sharing arrangements, with Kiir serving as president of the Revitalized Transitional Government of National Unity (RTGoNU) and Machar as first vice president. In February 2020, Kiir appointed South Sudan's vice presidents, including Machar, to three-year terms. In March 2020, ministerial posts were allocated among the previous government, the SPLM/A-IO, the Sudan People's Liberation Movement–Former Detainees (SPLM-FD), the South Sudan Opposition Alliance (SSOA), and the Other Political Parties coalition (OPP). Kiir and Machar both remained in their executive posts at the end of 2021.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

South Sudan has not held elections for its bicameral National Legislature since 2010. Its original mandate expired in 2015; that year's peace agreement extended it to 2018. The R-ARCSS then extended the mandate until May 2022.

President Kiir dissolved and reconstituted the National Legislature in May 2021. The lower house, the Transitional National Legislative Assembly (TNLA), was expanded to hold 550 seats. Some 332 people were nominated by the Kiir administration along with 128 from the SPLM/A-IO, 50 from the SSOA, 30 from the OPP, and 10 from the SPLM-FD. The upper house, the Council of States, was also reconstituted, expanding from 50 seats to 100.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

The R-ARCSS called for a new, impartial National Elections Commission to be established by the end of the first year of the transition. It also mandated changes to the

2012 Electoral Act to bring it in line with international standards; that legislation was updated by 2019.

The government did not make significant progress in finalizing the constitutional and electoral framework in 2021, however. The 2012 Political Parties Act (PPA) was not enacted by the legislature as of November 2021. Neither a census nor a constitution, which are also required to facilitate polling, were finalized as of December. While President Kiir vowed that elections would be held by 2023, Machar voiced doubt on that timeline in November, citing insecurity.

Score Change: The score declined from 1 to 0 because the transitional government has not fulfilled milestones, including the completion of a census and the finalization of a constitution, needed for elections to be held according to the country's peace agreement.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The SPLM dominates the political landscape, and most competition takes place within the movement, which splintered at the outbreak of the civil war. Kiir's hostility toward dissent within the SPLM contributed to the conflict.

The R-ARCSS granted non-SPLM parties legislative representation, but they have neither the resources to operate effectively nor the experience to formulate policy and set party platforms. The agreement tasked a National Constitutional Amendment Committee with reviewing the PPA to ensure that it meets international best practices. The committee's work was completed by 2019.

South Sudanese politics was affected by conflict within the SPLM/A-IO in 2021. In August, Simon Gatwech Dual declared himself its interim chairman after ousting Machar from that post. Machar and Gatwech had feuded earlier in the year; Gatwech dismissed a Machar ally from an intelligence post in May and ignored Machar's subsequent effort to dismiss him as his military chief of staff.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

If fully implemented, the R-ARCSS would eventually provide an opportunity for opposition groups to contest long-overdue elections. However, the 2010 elections featured violence and intimidation against opposition parties and SPLM members whose loyalty to Kiir was in doubt.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The South Sudan People's Defence Forces exercises an overbearing influence on political affairs and public life. The autonomous National Security Service (NSS) also maintains a strong hold over South Sudanese politics. The activities of other armed groups tied to partisan and ethnic factions have created an inhospitable climate for political participation by civilians.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Women are underrepresented in South Sudanese politics. Only 32.4 percent of TNLA seats and 32.1 percent of Council of States seats were held by women after the legislature

was reconstituted in 2021. In September, President Kiir dismissed Foreign Minister Beatrice Khamisa Wani; Khamisa was succeeded by Mayiik Ayi Deng, a male former minister.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The government and legislature, which lack electoral legitimacy, are unable to exercise control over the country's territory.

A clique of Dinka leaders and close allies surround Kiir and exert undue influence on decision-making.

The Sudanese and Ugandan governments helped broker the 2018 peace deal but supported opposing sides during the civil war and have maintained subsequent involvement in South Sudanese affairs.

C2. Are safeguards against official corruption strong and effective? 0 / 4

State resources, including oil revenues, are concentrated among elites associated with the president. Military commanders have gained enormous wealth through corrupt procurement deals. President Kiir has facilitated corruption by appointing officials who were previously accused of embezzlement.

In October 2021, the Sentry, a US-based outlet, reported that South Sudanese businessmen Kur Ajing Ater and Benjamin Bol Mel Kuol, who are both affiliated with President Kiir, were likely avoiding US sanctions and benefited from uncompetitive contracts in South Sudan.

C3. Does the government operate with openness and transparency? 0 / 4

Under the interim constitution, citizens have the right to access public information and records held by state entities. These rights are not respected in practice by the government, which is hostile to scrutiny and lacks functional capacity. This is notably true for oil revenue, which accounts for a majority of the government's receipts. A 2020 UN report stated that natural resources were illicitly extracted due to nontransparent management.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION**Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -4 / 0**

Both sides in the civil war have committed atrocities against civilians from rival ethnic groups, but government-aligned forces have been responsible for the worst attacks. The UN and the African Union (AU) have documented numerous incidents of murder, torture, rape, looting, ethnic displacement, and forced starvation. Both organizations have accused Kiir's leadership of planning and coordinating such attacks. UN observers have noted the use of hate speech by senior officials including Kiir.

CIVIL LIBERTIES: 4 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16****D1. Are there free and independent media? 0 / 4**

The transitional constitution guarantees freedom of the press, but this right is not respected in practice. The government censors, harasses, and arrests journalists, especially those who criticize it or report on corruption or sanctions. According to the Committee to Protect Journalists (CPJ), at least six have been killed in the course of their work since 2015, though none were killed in 2021.

In August 2021, the NSS shuttered Radio Jonglei and briefly detained some of its journalists after one of its staff members interviewed a PCCA organizer. The station was allowed to reopen in September after apologizing to authorities.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The interim constitution guarantees religious freedom, but houses of worship—used as places of refuge for civilians—have been attacked by gunmen seeking members of rival ethnic groups. In July 2021, police arrested Prophet Abraham Chol Maketh of the Kush International Church for saying that Kiir and Machar would be deposed. In September, Kalisto Lado Faustino, then the mayor of Juba, launched a crackdown on witch doctors.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The education system was seriously disrupted by the civil war, with many schools closed or commandeered for military use. Some schools have reopened in recent years, but some teachers have not returned due to poor pay or delays in receiving pay. Planned activities on campuses require NSS permission, and the agency is known to send undercover agents to universities. As a result, self-censorship occurs in educational institutions.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

The NSS has extensive, unchecked powers to conduct surveillance, monitor communications, and infiltrate nongovernmental organizations (NGOs). According to the United Nations, agents have used these powers to intimidate, detain, and murder journalists, opposition activists, civil society representatives, and members of faith-based organizations, forcing many to flee the country.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

The government restricts freedom of assembly, despite commitments made in the interim constitution. In practice, organizers must seek NSS permission to hold public meetings. The authorities banned public gatherings as part of their COVID-19 response but eased these restrictions somewhat in 2021.

The PCCA, which included supporters in civil society, academia, and the legal profession, called for antigovernment protests and strikes to take place on August 30. Authorities launched a crackdown ahead of the scheduled protests, arresting activists. For example, former state governor and PCCA supporter Kuel Aguer Kuel was arrested in July after signing the group's declaration; Aguer remained imprisoned at year's end. Internet access was restricted in Juba and surrounding areas on the day of the scheduled protest, while security forces were deployed in the capital to prevent demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The government is hostile toward NGOs. A 2016 law requires NGOs to get written permission from the authorities to conduct activities and hold a bank account in South Sudan, and at least 80 percent of staff must be South Sudanese.

Aid organizations have been criticized for hiring too few local residents. In April 2021, the Monyiemiji Forum, a group that advocates for the interests of young people in the state

of Eastern Equatoria, called on NGOs and aid agencies to employ more local youths. In June, the group issued an ultimatum for aid groups to leave the town of Torit, but it rescinded that demand after the NSS arrested over 20 members in early July.

In October 2021, the central bank instructed financial institutions to freeze the accounts of several PCCA-affiliated organizations and activists.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

A 2018 labor law provides for the right to participate in trade unions, bargain collectively, and strike under certain conditions. However, the law has not been effectively implemented, and legal protections for workers are poorly enforced in practice. The country's limited union activity has historically been concentrated in the public sector.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

Judicial independence exists in theory but not in practice. There is a severe shortage of judges, partly due to poor pay and working conditions.

In 2020, the East African Court of Justice ruled that Kiir's 2017 dismissal of judges by decree was unlawful. Kiir invited the 14 affected judges to apply for reinstatement later in 2020.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Under the National Security Service Law, the NSS has almost unlimited powers to detain and interrogate suspects. They extrajudicially operate detention facilities known for holding detainees arbitrarily and incommunicado. Authorities arbitrarily arrest individuals suspected of affiliating with armed organizations that oppose the peace deal.

Under the peace agreement, all political prisoners are to be released; some were in 2018, while others remain in custody.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

An estimated 400,000 people have died during the civil war. A 2020 cease-fire was not respected, though factions agreed to another cease-fire that October.

Fighting within the SPLM/A-IO began in August 2021, as supporters of Machar and Simon Gatwech Dual clashed. Forces controlled by Machar engaged in heavy fighting with Gatwech's faction in December but were reportedly unsuccessful in breaking the opposition.

South Sudanese face intercommunal violence. In 2020, a UN official warned that such incidents were increasingly prevalent and were increasingly militarized in nature.

Physical mistreatment and abuse are widespread within the criminal justice system. Detainees often face torture or sexual assault in custody. Authorities conduct regular executions, including of people who were children when convicted.

South Sudanese are also subjected to forced disappearance. In 2020, the International Committee of the Red Cross (ICRC) reported that it was searching for over 5,000 disappeared people in the country.

There is near-total impunity for perpetrators of wartime violence and sexual abuse. The 2015 and 2018 peace agreements mandated the establishment of an AU-led hybrid court to prosecute these offenses. Little progress has been made on establishing the court.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

International monitors have documented repeated, deliberate attacks by government forces against members of non-Dinka ethnic groups, most of them civilians. The perpetrators have not been brought to justice.

While the interim constitution includes gender-equality guarantees, women are routinely exposed to discriminatory customary practices and gender-based violence. A 2020 UN report noted that women, as well as people living with disabilities, were disproportionately affected by COVID-19 mitigation efforts.

While same-sex sexual conduct is not explicitly illegal in South Sudan, “carnal intercourse against the order of nature” is punishable by up to 10 years’ imprisonment. LGBT+ people face widespread discrimination and social stigma, including harassment and abuse by security forces.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 0 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

The interim constitution enshrines free movement and residence, as well as the right to an education. In reality, civil war, multiple local conflicts, and poor-to-nonexistent service delivery have made it impossible for many people to exercise these rights.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) counted 2 million internally displaced people in South Sudan as of December 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

Disputes over land use and ownership are frequent causes of conflict, and the return of refugees has exacerbated the problem. Property rights are weak and not respected in practice. Customary practices often deny women their legal rights to property and inheritance.

Armed groups and influential politicians prosper through corrupt business deals and activities, including the illicit extraction of natural resources like gold and timber.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Rape and other forms of sexual violence have been used extensively as weapons of war against both men and women, without legal consequence for perpetrators.

Domestic violence is not legally addressed. A 2017 International Rescue Committee (IRC) study found that 65 percent of the women and girls surveyed experienced physical or sexual violence, with 33 percent suffering sexual violence by a nonpartner.

Customary law puts women at a disadvantage in matters of divorce and child custody. Forced and early marriages are common, with about half of girls marrying by age 18. Spousal rape is not a crime.

In April 2021, cabinet minister Peter Mayen Majongdit disrupted a soccer game to stop his wife, Aluel Garang, from participating in a match. In August, Mayen physically attacked Garang. An OPP member party removed Mayen from its membership.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic collapse has led to rampant inflation that puts the prices of essential goods out of reach for ordinary people.

Trafficking in persons for forced labor and sexual exploitation is widespread, with rural women and girls, the internally displaced, and migrants from neighboring countries among the most vulnerable to mistreatment. The use of child soldiers is also a serious problem. In

2019, the UN warned that child recruitment was increasing, and that more girls were forced to provide labor, including sex work.

Spain

Population: 47,600,000

Capital: Madrid

Freedom Status: Free

Electoral Democracy: Yes

Overview: Spain's parliamentary system features competitive multiparty elections and peaceful transfers of power between rival parties. The rule of law prevails, and civil liberties are generally respected. Although political corruption remains a concern, high-ranking politicians and other powerful figures have been successfully prosecuted. Restrictive legislation adopted or enforced in recent years poses a threat to otherwise robust freedoms of expression and assembly. A persistent separatist movement in Catalonia represents the leading challenge to the country's constitutional system and territorial integrity.

KEY DEVELOPMENTS IN 2021

- Regional elections were held in Catalonia and Madrid, in February and May respectively, amid strict health precautions due to the COVID-19 pandemic. In Catalonia, the leader of the separatist Republican Left of Catalonia–Sovereignists (ERC–Sobiranistes) was elected president of the region's autonomous legislature; in Madrid, incumbent president Isabel Díaz Ayuso of the conservative Popular Party (PP) won a second consecutive term.
- In June, all nine Catalan officials sentenced for their roles in the region's illegal 2017 independence referendum were granted a conditional pardon by the government. The pardon can be revoked if they commit any other crime within a certain period of time, and the officials remained banned from holding public office.
- A second national state of alarm, imposed in November 2020 with the approval of parliament, ended in May. In July, the Constitutional Court declared the first state of alarm in 2020 to have been partially illegal, ruling that the strict lockdown measures imposed during the state of alarm should have only been instituted under a state of emergency; the court issued a similar ruling regarding the legality of the second national state of alarm in October.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Following legislative elections, the monarch selects a candidate for prime minister, generally the leader of the party or coalition with a majority in the lower house. The parliament then votes on the selected candidate.

Prime Minister Pedro Sánchez's center-left minority government, which had taken power through a no-confidence vote in the parliament in 2018, failed to win passage for a budget bill in February 2019, and snap elections were scheduled for April. The ruling Spanish Socialist Workers' Party (PSOE) won a plurality of seats but could not secure the

majority needed for a new government, triggering repeat elections in November of that year. The PSOE again fell short of a majority, but after reaching a coalition deal with the left-wing party Unidas Podemos and securing the abstentions of Basque and Catalan nationalist lawmakers, Sánchez narrowly won confirmation for a new government in January 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The lower house of Spain's bicameral parliament, the Congress of Deputies, is composed of 350 members elected in multimember constituencies for each of Spain's provinces, with the exception of the North African enclaves of Ceuta and Melilla, each of which has one single-member constituency. The Senate has 266 members, 208 of whom are elected directly, and 58 of whom are chosen by regional legislatures. Members of both chambers serve four-year terms.

Spain's legislative elections are generally considered free and fair. In the November 2019 balloting, the PSOE secured 120 seats, followed by the conservative PP with 88, the far-right nationalist party Vox with 52, Unidas Podemos with 35, and the center-right Ciudadanos with 10. Among several other parties, the Basque Nationalist Party (PNV) and the ERC-Sobiranistes won 7 and 13 seats, respectively. In the Senate, the PSOE took 92 seats and the PP won 84.

The regions of Catalonia and Madrid held elections for their autonomous legislatures in February and May respectively, amid strict health precautions due to the COVID-19 pandemic. In Catalonia, the leader of the ERC-Sobiranistes was elected president of the region with the support of Together for Catalonia (JxCat), another separatist party. Madrid's elections were originally scheduled to take place in 2022, but in March 2021, incumbent president Isabel Díaz Ayuso of the PP called snap elections for May in order to avoid a vote of confidence. Despite criticism from the opposition, the May elections went ahead, and Díaz Ayuso won a second consecutive presidential term after the PP was able to form a single-party government with the electoral support of Vox.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Spain's constitution and electoral laws provide the legal framework for democratic elections, and they are generally implemented fairly.

The initiation and conduct of the October 2017 independence referendum in Catalonia featured a number of fundamental flaws. The exercise was prohibited by the courts on constitutional grounds, and the actions of both regional authorities and the PP-led central government at the time contributed to a chaotic environment that did not allow for fair and transparent balloting.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Citizens are free to organize political parties, which are able to function without interference in practice. While the PP and the PSOE once dominated the political system, corruption scandals, persistent economic woes, and the dispute over Catalonia have aided the rise of new alternatives in recent years, including Unidas Podemos on the left and Ciudadanos and Vox on the right.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple democratic transfers of power between rival parties since Spain returned to democracy in the late 1970s. By forming a ruling coalition with the PSOE in January 2020, Unidas Podemos became the first party other than the PSOE and the PP to enter national government during the democratic era.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voting and political affairs in general are largely free from undue interference by unelected or external forces. However, disinformation and other such manipulation in elections is a growing concern. In January 2021, the Freedom of Information Defense Platform (PDLI), a Spanish information rights organization, criticized social media companies for enforcing content moderation policies that allow the official accounts of political parties to be suspended or restricted during election campaigns, saying that such policies could unduly influence election outcomes.

In September, the *New York Times* reported that some Catalan separatist leaders had allegedly developed political ties with the Russian government in an attempt to obtain Russia's support for the separatist movement's aims; those involved deny the allegations.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights. Women are free to advocate for their political interests, and they are relatively well represented in practice, holding 43 and 38 percent of the seats in the Chamber of Deputies and the Senate, respectively.

Spain's system of regional autonomy grants significant powers of self-governance to the country's traditional national minorities, including Catalans and Basques.

Nine Catalan officials were sentenced to prison on sedition charges in October 2019 for their roles in the illegal 2017 independence referendum. One of them, Oriol Junqueras, was elected to the European Parliament in May 2019 while in pretrial detention; though the Court of Justice of the European Union (CJEU) ruled that his parliamentary immunity had been violated as a result of the continued pretrial detention, the Spanish Supreme Court found that Junqueras's conviction disqualified him from taking his seat. The European Parliament then declared the seat vacant. Junqueras was released from prison in June 2021, after all nine officials were granted a conditional pardon by the government; the pardon can be revoked if they commit any other crime within a certain period of time. The officials remain banned from holding public office.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Elected officials are generally free to make and implement laws and policies without undue interference. However, the political system has failed to produce a stable governing majority in the parliament since 2015, resulting in frequent and inconclusive elections, a sharp decline in the passage of legislation, and an increased use of mechanisms like executive decrees to advance the government's agenda without the approval of lawmakers. The instability has hampered the national government's capacity to address major challenges such as the separatist movement in Catalonia and the COVID-19 pandemic.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Concerns about official corruption often center on party financing. Though most party expenses are funded by the state, a 2007 law allowed political parties to use commercial bank loans. In 2012, Spain strengthened rules on political financing by restricting access to loans, increasing transparency, and establishing an audit framework. In 2015, new legislation prohibited banks from forgiving debt owed by political parties. In the past several years, lawmakers have also strengthened rules on asset disclosure and conflicts of interest for high-ranking officials and enacted more severe penalties for corruption-related crimes.

Although the courts have a solid record of investigating and prosecuting corruption cases, the system is often overburdened, and cases move slowly. Among other high-profile proceedings during 2021, in October, the National Court judged the PP to be responsible for more than €120,000 (\$130,000) in unpaid taxes related to earlier renovations to the party's headquarters in Madrid, and sentenced former party official Luis Bárcenas to two years in prison for using "over €1 million (\$1.1 million) in undeclared funds" to pay for the renovation work.

Former king Juan Carlos I left the country in 2020 for the United Arab Emirates (UAE) amid an ongoing investigation into possible tax evasion and money laundering.

C3. Does the government operate with openness and transparency? 3 / 4

Legal safeguards to ensure government transparency include asset-disclosure rules for public officials and laws governing conflicts of interest. The Transparency Act, which took effect in 2014, is meant to facilitate public access to government records, though freedom of information activists have reported onerous procedures and called for improvements to the law, as well as mechanisms to access more judicial and parliamentary documents.

The Council of Europe's (CoE) Group of States against Corruption (GRECO) has noted that the Council of Transparency and Good Governance (CTBG), the body tasked with monitoring compliance with transparency obligations, lacks adequate training and financial and human resources. Moreover, civil society organizations continue to report that the Sánchez government frequently resists complying with requests or orders to disclose information in practice. In January 2021, the president of the CTBG, appointed by Sánchez in October 2020, dismissed Esperanza Zambrano, the CTBG's director of appeals, after she "issued resolutions contrary" to the government's position. Civil society groups and members of the opposition have expressed concern that Zambrano's dismissal represents an attack on the independence of the CTBG.

CIVIL LIBERTIES: 53 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

Spain has a free press that covers a wide range of perspectives and actively investigates high-level corruption. However, consolidation of private ownership poses a threat to media independence, and ownership in the print and online media sectors is less transparent than in broadcast media.

After a years-long process, in April 2021, a new board of directors was elected to govern the public broadcaster, the Spanish Radio and Television Corporation (RTVE). The new elections were intended to strengthen RTVE's independence; however, several Spanish information rights organizations have criticized the renewal process, saying that most of the board members were selected "based on political agreement" rather than on merit.

Journalists have sometimes faced harassment and physical assaults from protesters and the police while covering demonstrations in recent years, and many claim that the authorities regularly attempt to prevent journalists from fully reporting on "sensitive issues," such

as the arrival of migrants to the country. Media freedom organizations have also criticized the government, saying the PP has attempted to use the judicial system in order to obstruct journalistic investigations.

A controversial public safety law that took effect in 2015, nicknamed the “gag law” by its critics, established large fines for offenses including spreading images that could endanger police officers or protected facilities. Journalists have faced penalties for alleged violations of the law while reporting on police actions.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is guaranteed in the constitution and respected in practice. As the country’s dominant religion, Roman Catholicism enjoys benefits not afforded to others, such as financing through the tax system. However, the religious organizations of Jews, Muslims, and Protestants also have certain privileges through agreements with the state, including tax exemptions and permission to station chaplains in hospitals and other institutions. Other groups that choose to register can obtain a legal identity and the right to own or rent property. The penal code contains a provision to punish blasphemy, but prosecutions are rare in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government does not restrict academic freedom in law or in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion remains open and vibrant, but more aggressive enforcement of laws banning the glorification of terrorism has begun to threaten free speech, with dozens of people—including social media users and several performers—found guilty in recent years for what often amounts to satire, artistic expression, or political commentary. In 2017, the Supreme Court ruled that a person could violate the law even if there was no intention to “glorify” a terrorist group or “humiliate” its victims. Individuals have also been prosecuted for insulting the monarchy, the flag, and other state institutions.

In February 2021, rapper Pablo Hasél—convicted of “glorifying terrorism” and insulting the crown in 2018—was arrested after failing to turn himself in to begin his 9-month sentence. Hasél’s arrest prompted criticism from international and domestic human rights organizations and led to widespread protests across Spain. Another rapper, Valtònyc, fled the country in 2018 after being convicted of similar charges; in December, a Belgian court rejected Spain’s request that he be extradited in order to serve out his sentence.

In March, the European Court of Human Rights (ECHR) ruled that the right to freedom of expression of two board members of a local nonprofit organization had been violated when, in 2015, they were convicted of libel for publishing an open letter “complaining of the conduct of a judge in proceedings affecting them;” the ECHR ordered Spain to pay damages to both men. The same month, the CoE called on Spanish authorities to strengthen legal guarantees of the right to freedom of expression.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution provides for freedom of assembly, and the authorities typically respect this right. However, the public safety act that took effect in 2015 imposed a number

of restrictions, including fines of up to €600,000 (\$670,000) for participating in unauthorized protests near key buildings or infrastructure. Participants in protests on a variety of local concerns have faced smaller but still substantial fines under the law in practice. In March 2021, the CoE recommended that the government should reform this law due to its “repressive potential.”

Human rights nongovernmental organizations (NGOs) have reported an escalation in police violence during demonstrations in recent years, and in March, the ECHR condemned Spain for failing to investigate allegations of police brutality during a 2012 protest.

Two of the Catalan independence leaders convicted of sedition in 2019, Jordi Cuixart and Jordi Sánchez, were prosecuted for leading protests aimed at preventing police from halting the banned 2017 referendum. Human rights groups have argued that the 2019 prison sentences were excessive and set a harmful example regarding freedom of assembly. They were released from prison under the conditions of the partial pardon issued to the group in June 2021.

A number of protests took place throughout Spain in 2021, including demonstrations by human rights activists, Catalan independence groups, workers’ rights organizations, and antivaccine protesters. A COVID-19-related ban on public gatherings in Madrid prevented planned marches for International Women’s Day from taking place in March, prompting criticism from human rights NGOs. The ban was lifted in May, when the national state of alarm ended.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Domestic and international nongovernmental organizations operate without significant government restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

With the exception of members of the military and national police, workers are free to organize in unions of their choice, engage in collective bargaining, and mount legal strikes. In April 2021, the parliament repealed provisions of the penal code that had allowed sentences of up to three years in prison to be given to workers found to have “coerced” others to support a strike.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 3 / 4

The constitution provides for an independent judiciary, and the courts operate autonomously in practice. However, the CoE has criticized the fact that under current law, the 12 judges who sit on the 20-member General Council of the Judiciary—which oversees the courts and is responsible for appointing, transferring, and promoting judges—are not directly elected by their peers, but appointed through a three-fifths vote in the parliament, as with the other eight members who are not judges. This arrangement has exposed the body to political disruptions. The council’s membership was due to be renewed in late 2018, but the opposition PP denied the governing parties the necessary supermajority; the incumbent council continued to operate on an interim basis during 2021, raising concerns about the legitimacy of its judicial appointments and other decisions.

A November 2021 Supreme Court ruling upheld the 2019 conviction of Judge Salvador Alba on charges of judicial malpractice and bribery for conspiring to force fellow judge and Podemos lawmaker Victoria Rosell out of office on false grounds.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The authorities generally observe legal safeguards against arbitrary arrest and detention, though judges can authorize special restrictions on communication and delayed arraignment for detainees held in connection with acts of terrorism. Defendants typically enjoy full due process rights during trial. However, high-profile cases related to Basque and Catalan nationalism in recent years have featured flaws—including disproportionate charges and penalties as well as unjustified pretrial detention—that drew criticism from international organizations.

In December 2020, the Supreme Court unanimously ruled that Arnaldo Otegi—leader of the Basque separatist party Euskal Herria Bildu, which holds several seats in the parliament—would have to stand trial again on charges for which he had already served a prison sentence. The Constitutional Court temporarily suspended Otegi’s new trial in late 2021.

Since the beginning of the COVID-19 pandemic, civil society groups have reported that authorities arbitrarily enforce lockdown rules in a way that disproportionately affects racial minority groups and migrant workers. In May 2021, Spain’s ombudsman reported an increase in mistreatment allegations and raised concerns over the authorities’ use of the Law on Citizen Security to impose fines during the 2020 and 2021 states of alarm.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The population faces no major threats to physical security. The potential for terrorist attacks by radical Islamist groups remains a concern, though Basque Fatherland and Freedom (ETA), a separatist group that carried out terrorist attacks for decades, formally dissolved in 2018.

Prison conditions generally meet international standards, but reception centers for irregular migrants suffer from overcrowding and other problems, which were compounded by health risks during the COVID-19 pandemic.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women, racial minorities, and LGBT+ people enjoy legal protections against discrimination and other mistreatment, though a degree of societal bias persists. In July 2021, a young man was killed by a group of people allegedly shouting homophobic slurs. A police investigation into the attack remained ongoing at year’s end. Some minority groups—including Roma—remain economically marginalized and are allegedly subject to police profiling.

Spain is a major point of entry to Europe for irregular migrants and refugees, with most making the crossing by sea; in 2021, some 39,000 people arrived in the country. International human rights groups have criticized the Spanish authorities, saying that migrants and asylum seekers are often housed in poor conditions, with many being held in improvised camps that allegedly violate human rights standards.

Separately, thousands of migrants and refugees regularly congregate at the land border between Morocco and the Spanish enclaves of Ceuta and Melilla. In February 2020, the grand chamber of the ECHR upheld the legality of a controversial practice in which Spanish authorities summarily return people who cross the enclaves’ borders unlawfully, for example by scaling fences. During 2021, several unaccompanied minors arrived to Ceuta from Morocco and were summarily returned; the ombudsman and dozens of human rights NGOs condemned the returns, saying that the government had failed to comply with the legal standards governing the practice, violating the rights of the minors.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are few significant restrictions on individuals' freedom to travel within the country or abroad, or to change their place of residence, employment, or education. However, the authorities have been criticized for failing to grant documented asylum seekers free movement within Spanish territory, despite multiple court rulings on the matter.

Freedom of movement within Spain was temporarily restricted in both 2020 and 2021 during the country's two COVID-19-related states of alarm. In July 2021, the Constitutional Court ruled that Spain's first state of alarm in 2020 had been partially illegal, and that such restrictions should have been imposed under a state of emergency. The court ruled in October that the second state of alarm, which ended in May 2021, had also been unconstitutional.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal framework supports property rights, and there are no major restrictions on private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are generally respected. Same-sex marriage has been legal in Spain since 2005, and same-sex couples may adopt children.

There are legal protections against domestic abuse and rape, including spousal rape; while both remain problems in practice, the government and civil society groups work actively to combat them. Abortion is legal, but can be difficult to access in practice: in 5 of Spain's 17 autonomous regions, no public hospital offers the procedure.

In March 2021, the parliament approved legislation to regulate voluntary euthanasia for people with "unbearable permanent conditions" and those who are terminally ill.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents generally have access to economic opportunity and protection from exploitative working conditions. Despite strong antitrafficking efforts by law enforcement agencies, however, migrant workers remain vulnerable to debt bondage, forced labor, and sexual exploitation.

Since 2019, the country's minimum wage has risen 31 percent; it will continue to increase until it reaches 60 percent of the average salary in Spain as part of a government-led effort to reduce the level of income inequality in the country, which is among the worst in the EU.

Sri Lanka

Population: 22,100,000

Capital: Colombo

Freedom Status: Partly Free

Electoral Democracy: Yes

Overview: Sri Lanka experienced improvements in political rights and civil liberties after the 2015 election of President Maithripala Sirisena, which ended the more repressive rule

of Mahinda Rajapaksa. However, the Sirisena administration was slow to implement transitional justice mechanisms needed to address the aftermath of a 26-year civil war between government forces and ethnic Tamil rebels, who were defeated in 2009. Gotabaya Rajapaksa's election as president in November 2019 and the Sri Lanka Podujana Peramuna's (SLPP) victory in the August 2020 parliamentary polls emboldened the Rajapaksa family, which has taken steps to empower the executive, roll back accountability mechanisms for civil war-era rights violations, and further militarize the island.

KEY DEVELOPMENTS IN 2021

- Despite repeated promises to repeal the controversial Prevention of Terrorism Act (PTA), the government expanded its provisions in March to allow suspects to be detained for up to two years without trial. Critics accused the government of only making such promises to avoid international censure.
- In June, President Gotabaya Rajapaksa pardoned a close associate and former member of Parliament who had been sentenced to death in 2016 for killing a political rival. The United Nations (UN) human rights office condemned the pardon as "selective and arbitrary," saying Rajapaksa's actions had undermined the rule of law in the country.
- Parliament voted to impose a state of emergency in September, claiming the measure was necessary to control the price of essential commodities due to food shortages. Opposition figures criticized the decision, saying the state of emergency was unnecessary and could be used to suppress dissent.

POLITICAL RIGHTS: 23 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Under the constitution as amended in 2015, the president is directly elected for up to two five-year terms and must consult the prime minister on ministerial appointments. The prime minister and cabinet must maintain the confidence of Parliament.

In the November 2019 presidential election, Gotabaya Rajapaksa of the SLPP defeated his main opponent, Housing Minister Sajith Premadasa of the United National Party (UNP), 52 percent to 42 percent.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 225-member unicameral Parliament is elected for five-year terms, with 196 members elected through an open list system at the district level, and 29 members appointed via a national list. In the 2020 parliamentary elections, the SLPP won 145 seats, which when combined with the support of allies, ensured a supermajority. Samagi Jana Balawegaya (SJB) won 54 seats. The UNP, from which the SJB had split in early 2020, managed to acquire only one national-list seat. Sri Lanka's other major party, the Sri Lanka Freedom Party (SLFP), also secured just one seat, although the vast majority of its candidates contested as part of the SLPP, which allied with several parties for the poll.

While the parliamentary polls were mainly free and fair and saw lower levels of violence compared to previous elections, intimidation and harassment of women, Muslim, and Tamil voters prior to the polls were among the incidents reported.

Provincial council elections were repeatedly postponed due to disputes over the delimitation of voting districts. The last rounds were held in 2012–14, meaning the councils'

five-year terms expired in 2017–19. Prominent nationalists, including leading members of the Buddhist clergy, want the councils abolished, pointing to how India superimposed the power-sharing system on Sri Lanka via the 13th Amendment, which was adopted as part of the 1987 peace accord that attempted to resolve the Sri Lankan civil war. They also point to the wasteful spending associated with the councils, in which only 25 percent of the budget is used for development purposes. Though the government promised to hold council elections by the end of 2021, no elections were held.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Election Commission (EC) of Sri Lanka, which administers and oversees all elections in the country, has built a reputation for independence. However, the new 20th Amendment, approved in October 2020, compromises the EC's independence by allowing the president sole power to appoint commissioners.

The government has been unable to complete the process for provincial council constituency delimitation required under a 2017 electoral law.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

A range of political parties operate freely and participate in elections. The success of the SLPP, founded in 2016 and led by Mahinda Rajapaksa, in the 2018 local elections, the 2019 presidential election, and 2020 parliamentary elections, demonstrates that new parties can form and compete without significant interference. However, political debates between parties sometimes involve an element of violence and intimidation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition groupings are generally free to carry out peaceful political activities and are able to win power through elections. The opposition SLPP won control of 231 out of 340 local councils in the 2018 elections and took the presidency in 2019, leading to a peaceful transfer of executive power. The SLPP, which included many SLFP members that were in opposition, also won the 2020 parliamentary elections in a landslide. However, opposition figures and supporters sometimes face harassment or violence.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Vote buying and political bribery persist as issues that distort the free choices of voters.

Many members of the military openly backed then president Mahinda Rajapaksa ahead of the 2015 election, and many among the armed forces recognized his abortive appointment as prime minister in 2018 despite protests that the move was unconstitutional. Former and current military officials supported the candidacy of Gotabaya Rajapaksa in the 2019 presidential election. Since the 2019 election, the government has undergone increasing militarization, strengthening Rajapaksa's hold on power and contributing to the political dominance of Sri Lanka's Buddhist majority.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

A number of parties explicitly represent the interests of ethnic and religious minority groups. Systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils' political participation. Since 2020, the government has prevented the national anthem from being sung in Tamil at the official Independence Day celebration, though the previous government had reintroduced the practice.

While a 25 percent quota at the local government level has resulted in an increase in female political candidates, women currently hold only 5.3 percent of seats in Parliament. When President Gotabaya Rajapaksa announced his 27-member cabinet following 2020 parliamentary elections, only one member was a woman. Of the other 26, one was a Muslim and one a Tamil (in a country where Muslims and Tamils amount to 25 percent of the population).

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

In practice, the president, prime minister, and finance minister—all Rajapaksa siblings—enjoy almost complete authority when making decisions. In certain instances, the cabinet has been left out of decision-making processes or not fully apprised about policies being instituted. Despite receiving significant criticism from the opposition, the government has been able to pass its budget and other legislation through parliament easily. In September 2020, the president said his verbal pronouncements were as good as government circulars, and instructed officials to obey them.

The military has played an increasing role in the government since Gotabaya Rajapaksa was elected president in 2019. In 2020, President Rajapaksa appointed a military commander to oversee the country's response to the COVID-19 pandemic, introducing military influence in areas of policy previously controlled by civilian authorities.

In May 2021, the SLPP used its parliamentary majority to pass a controversial bill creating a Special Economic Zone (SEZ) around Colombo Port City, a large development project largely funded by Chinese companies. Opposition politicians have criticized the bill, which would prevent parliamentary oversight of the SEZ and grant a 40-year tax exemption for foreign companies, saying it could potentially jeopardize Sri Lanka's sovereignty.

C2. Are safeguards against official corruption strong and effective? 1 / 4

There appears to be an understanding among major politicians that they ought not prosecute those in opposing parties on corruption allegations, lest they too be held accountable when out of power. Critics say that such reluctance to prosecute corruption among politicians has created a culture of impunity.

The media reported on several corruption scandals in 2021; one such scandal involved the state-owned Litro gas company altering the composition of gas tanks, which allegedly led to several explosions and numerous injuries, prompting some to accuse the company of profiteering. Though the government committed to investigating the corruption allegations, no charges had been filed by year's end.

In January 2020, Gotabaya Rajapaksa established the Presidential Commission of Inquiry to Investigate Allegations of Political Victimization, which opposition leaders and rights groups say is intended to help the Rajapaksa family and their associates evade criminal investigations and prosecution. In January 2021, local media reported that the commission had recommended that the government pursue legal action against those who investigated or brought cases against the Rajapaksas and their friends under the previous government.

C3. Does the government operate with openness and transparency? 2 / 4

Individuals have used the 2017 Right to Information Act to access government records, but transparency is lacking in procurement and contracting decisions, including for large contracts with Chinese and other foreign companies. The auditor general in recent years has also noted major discrepancies in the government's assessments of public debt.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / -4

Following the end of the civil war in 2009, the military presence in the Tamil-populated areas of the north and east increased. The election of Gotabaya Rajapaksa as president in 2019 and the creation of the Presidential Task Force for Archeological Heritage Management in the Eastern Province in June 2020 have led to concerns that the regime may employ the military to back claims pertaining to Buddhist heritage, to further change the region's demographics.

CIVIL LIBERTIES: 32 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16****D1. Are there free and independent media? 2 / 4**

Freedom of the press is guaranteed in the constitution, and respect for this right improved following Mahinda Rajapaksa's defeat in 2015. Since the return of the Rajapaksas, however, media and civil society organizations have been more cautious when expressing views that challenge the government—displaying a willingness to criticize policy issues, but largely muting coverage of corruption. Nevertheless, media outlets did highlight several cases of corruption in 2021, including scandals involving the state-owned gas company. Media criticism of the military is also rare. Journalists covering human rights violations against members of religious and ethnic minority groups often face harassment, including from the authorities.

In June, police arrested consumer rights activist Asela Sampath at his home, claiming that he was detained for spreading misleading information on social media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

While there were no major instances of interreligious violence in 2021, past anti-Muslim rioting has left many Muslims afraid that they may be targeted, and that any attackers may enjoy impunity. In March, the government discontinued its policy of mandatory cremation for those thought to have died from the coronavirus, which had prevented members of the country's Muslim minority from observing Islamic funeral practices.

Throughout 2021, members of the Roman Catholic clergy publicly criticized the government for perceived faults in the official investigation into the 2019 Easter terrorist bombings, which had targeted three Christian churches. In November, a Catholic priest was briefly detained for police questioning after he alleged that officials in the State Intelligence Service (SIS) had connections to the attackers.

In October, the president appointed Galagoda Aththe Gnanasara, a controversial Buddhist monk known for his Islamophobic and hardline nationalist views, to lead a government task force to draft legal reforms ostensibly intended to "prevent discrimination" against minorities. However, critics say that Gnanasara's appointment signals that the proposed legislation may entrench Buddhist nationalism by giving Buddhist institutions and practices legal "preeminence" and lead to further divisions between Sri Lanka's religious groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is generally respected, but there are occasional reports of politicization at universities and intolerance of dissenting views among both professors and students. Faculty and students at the University of Colombo have criticized President Rajapaksa's November 2021 appointment of a leading Buddhist monk as the university's chancellor, saying the monk's "political affiliations" make him unsuitable for the role. However, most students and faculty feel pressure to avoid discussing sensitive topics, including alleged war crimes, human rights for marginalized groups, Islamophobia, or extremist activities by Buddhist clergy.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

The civil war remains a sensitive topic. Awareness of state officials' harassment of civil society activists working on human rights issues in the north and east has deterred open discussion of such subjects among ordinary citizens.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12**E1. Is there freedom of assembly? 3 / 4**

Although authorities sometimes restrict freedom of assembly, assemblies occur regularly, though some demonstrations on sensitive topics like security laws and impunity for forced disappearances are suspected to be subject to surveillance. Dozens of people were arrested during peaceful protests throughout 2021. In September, the UN Office of the High Commissioner for Human Rights (OHCHR) informed the UN Human Rights Council (UNHCR) that several peaceful protests during the year had been "met with excessive use of force."

In September, Parliament voted to approve a state of emergency, which the president claimed was needed to "control food prices and prevent hoarding"; opposition figures criticized the state of emergency, which included provisions allowing the government to curtail protests, saying it was unnecessary and could be used to stifle dissent.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights-and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) are generally free to operate without interference, but some NGOs and activists—particularly those in the north and east that focus on sensitive topics such as military impunity—have been subjected to denial of registration, surveillance, harassment, and assaults. Intelligence personnel began attending civil society meetings and questioning some organizations about their personnel and funding sources soon after Gotabaya Rajapaksa became president.

Many NGOs cooperated with the government to distribute aid during COVID-19 lockdowns. Some analysts have expressed concern that the collaboration also provided intelligence officials information about NGO operations and personnel, which may assist authorities should they decide to crack down on those groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Trade unions are legally allowed to organize and engage in collective bargaining. Except for civil servants, most workers can strike, though the 1989 Essential Services Act allows the president to declare any strike illegal. Harassment of labor activists and official intolerance of union activities, particularly in export processing zones, is regularly reported.

Larger unions are often affiliated with political parties. Food shortages and the high cost of living during the pandemic led to numerous trade unions protesting against the government throughout much of 2021.

F. RULE OF LAW: 7 / 16 (-1)**F1. Is there an independent judiciary? 3 / 4**

Political interference in and intimidation of the judiciary abated somewhat under the Sirisena administration, and the courts have asserted their independence amid political turbulence in recent years, including during the 2018 constitutional crisis.

In June 2021, the Appeals Court granted bail to Shani Abeysekara, a detective who had previously investigated members of the Rajapaksa family. Abeysekara had been detained since July 2020, when he was arrested for allegedly fabricating evidence in a 2013 murder case; he denied the charges, which the appellate court called “concocted stories.” In December, a Colombo High Court also ruled against the Attorney General to acquit Azath Salley, a former provincial governor who had been arrested in March for making comments that allegedly “aimed to create disharmony.”

Corruption and politicization remain rife in the lower courts.

F2. Does due process prevail in civil and criminal matters? 1 / 4 (-1)

Due process rights are undermined by the Prevention of Terrorism Act (PTA), which was expanded in March 2021 to allow suspects to be detained for up to two years without trial. The law has been used to hold perceived enemies of the government, particularly Tamils, and many detained under the PTA’s provisions have been kept in custody for longer than the law allows. Following the 2019 Easter Sunday bombings, hundreds of Muslim suspects were arrested under the antiterrorism legislation, while Sinhalese anti-Muslim rioters were charged under standard civilian statutes that allowed bail. During 2021, international rights groups demanded the release of human rights lawyer Hejaaz Hizbullah and poet Ahnaf Jazeem, two Muslims held for more than a year under the PTA. Though Jazeem was released on bail in December, Hizbullah remained in detention at year’s end. In January, the government promised to review the PTA, and later released a number of detainees; however, critics say that the government did so in order to avoid international censure, and does not plan to truly reform the PTA.

The police routinely treat government officials and those closely associated with them favorably. Military personnel accused of committing war crimes during the civil war have received prominent positions in the new government, while others remain in senior military posts. In February 2020, the United States government issued sanctions against Army Commander Shavendra Silva and his family, barring them from visiting the country, citing allegations of “gross human rights violations.”

Score Change: The score declined from 2 to 1 because the authorities continue to arrest, detain, and prosecute individuals—including members of the Tamil community—under an antiterrorism law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Police and security forces have engaged in extrajudicial executions, forced disappearances, custodial rape, and torture, all of which disproportionately affect Tamils. Due to backlogs and a lack of resources, independent commissions have been slow to investigate allegations of police and military misconduct. In September 2021, the minister of prisons allegedly demanded to see Tamil prisoners held under the PTA, then forced two men to

kneel and threatened to shoot them; he resigned as minister of prisons, but remained in government at year's end.

In February 2020 the government withdrew cosponsorship of UNHRC Resolution 30/1, on promoting reconciliation, accountability, and human rights in Sri Lanka, a move interpreted by rights groups as a signal that authorities did not intend to hold members of the military accountable for rights violations. In March 2020, President Gotabaya Rajapaksa pardoned an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. In June 2021, the president also pardoned a former member of Parliament who had been sentenced to death for killing a political rival. International human rights groups criticized the "selective and arbitrary" pardons, saying Rajapaksa had prevented accountability and undermined the rule of law in the country.

The April 2019 bombings and subsequent rioting underscored the threats posed to physical security by terrorism and communal violence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Tamils report systematic discrimination in areas including government employment, university education, and access to justice. Ethnic and religious minorities are vulnerable to violence and mistreatment by security forces and Sinhalese Buddhist extremists.

LGBT+ people face societal discrimination, occasional instances of violence, and some official harassment. A rarely enforced article of the penal code prescribes up to 10 years in prison for same-sex sexual activity. Sexual harassment and employment discrimination against women is common, as are discriminatory legal provisions.

The government does not grant asylum or refugee status under its own laws, nor does it provide services or work permits to asylum seekers and refugees. These individuals rely instead on aid from NGOs, informal employment, and third-country resettlement by the Office of the UN High Commissioner for Refugees (UNHCR).

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Free movement is still restricted by security checkpoints, restricted military areas, and military occupation of public and private land. Additional security checkpoints were erected in Northern Province soon after Gotabaya Rajapaksa was elected.

Women with children younger than five years old are not allowed to travel abroad for work. Access to educational institutions is impeded by corruption, with bribes often required to obtain primary school admission.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Ongoing occupations and other forms of land grabbing remain serious problems, especially for Tamils in the northeast. Corruption sometimes hinders the effective enforcement of property rights in general. Some women face gender-based disadvantages regarding inheritance under the customary laws of their ethnic or religious group, and Muslims reportedly encounter discrimination in property transactions.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, and child custody—are adjudicated under the customary laws of each ethnic or religious group, and the application of these laws sometimes entails discrimination against women. Rape of women and children and domestic violence remain serious problems, and perpetrators often act with impunity.

Some very young girls are forced into marriages under Islamic personal law, which the government is seeking to change by altering the Muslim Marriage and Divorce Act (MMDA). However, the government has been criticized for attempting to revise the MMDA without adequate input from the Muslim community.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Although the government has increased penalties for employing minors, many children continue to work as household servants and face abuse from employers. Women and children in certain communities are vulnerable to forced sex work. The government has made some attempts to address human trafficking, but prosecutions and measures to identify and protect victims remain inadequate, and complicity among public officials is a serious problem. While most of the mainly Tamil workers on tea plantations are unionized, employers routinely violate their rights. Migrant workers recruited in Sri Lanka are often exposed to exploitative labor conditions abroad.

St. Kitts and Nevis

Population: 50,000

Capital: Basseterre

Freedom Status: Free

Electoral Democracy: Yes

Overview: St. Kitts and Nevis has a history of competitive and credible elections, and civil liberties are generally upheld. There are some concerns about government corruption and transparency. Authorities in recent years have seen some success in addressing a high rate of violent crime. LGBT+ people face discrimination and are politically marginalized.

KEY DEVELOPMENTS IN 2021

- In August, a protest against COVID-19 vaccine mandates for public sector employees was broken up by police, who arrested several people. Tear gas was allegedly used, and a handful of demonstrators were injured.
- In October, two men were gunned down on a beach bar by an unknown assailant. Police arrested three people a month later in connection with the killings. St. Kitts and Nevis had one of the highest per capita homicide rates in the world, reaching a high of 35 deaths in 2011. However, the government claims that violent crime has decreased over time, with only seven killings recorded by August of this year.

POLITICAL RIGHTS: 35 / 40

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister, usually the leader of the largest party in the parliament, is head of government. Prime ministers are normally appointed after legislative elections by the governor general, who represents the British monarch as the largely ceremonial head of state.

After the 2020 elections, Timothy Harris of Team Unity—an umbrella organization of the People’s Action Movement (PAM) and the People’s Labour Party (PLP) in St. Kitts, and the Concerned Citizens Movement (CCM) in Nevis—was reappointed as prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

There are 14 seats in the unicameral National Assembly, comprising 8 representatives from St. Kitts, 3 from Nevis, and 3 for senators appointed by the governor general (2 on the advice of the prime minister and 1 on the advice of the opposition leader); all serve five-year terms.

Team Unity won the 2020 parliamentary elections with 9 of the 11 directly elected seats. The vote took place peacefully and was considered credible, though turnout was low at 58 percent, largely because of the COVID-19 pandemic. Several shortcomings, which had been raised previously, were not addressed, including an absence of campaign finance legislation.

Despite these shortcomings, the government and the opposition agreed that the state of emergency declared to prevent the spread of COVID-19 should be used consistently regarding campaign regulation. However, there was at least one occasion when Team Unity, with the support of the police, prevented a St. Kitts and Nevis Labour Party (SKNLP) campaign motorcade entering the capital, Basseterre. The state-owned ZIZ Broadcasting Corporation gave equal broadcasting time to the registered political parties and any nominated independent candidate.

Nevis has its own local legislature, with five elected and three appointed members. Elections in 2017 resulted in a win for the incumbent CCM, which took four elected seats, leaving the Nevis Reformation Party with one.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair and usually implemented impartially by the Electoral Commission. However, the lead-up to the 2015 elections featured an eleventh-hour dispute over district delineations and concerns about the Electoral Commission’s independence. In the build up to the 2020 elections, electoral boundaries were again an issue of contention, but the St. Kitts and Nevis High Court threw out an attempt to revise them. One concern was a discrepancy in constituency size of several thousand voters between districts on Nevis.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no major constraints on the right to organize in different political parties and to form new parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition candidates are generally able to campaign without restrictions or interference.

There are realistic opportunities for opposition parties to increase their support or gain power through elections. In 2015, the Team Unity coalition unseated the SKNLP, which had been in government since 1995.

In February 2019, former opposition leader Denzil Douglas won a legal case in which the government had attempted to remove him from Parliament. The High Court ruled that the attempted removal of Douglas, based on allegations of improper use of a Dominica diplomatic passport, had no standing.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Candidates and voters can make political choices without undue interference. However, concerns have been raised about the lack of transparency of party and campaign financing, which could enable improper forms of political influence.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens are formally entitled to equal political rights and electoral opportunities. While women play an active role in political parties and as grassroots organizers, representation in the National Assembly is poor. The population of St. Kitts is primarily Afro-Caribbean and Anglican, but other ethnic and religious groups do engage in the political process.

In 2015 there was one woman elected as a representative; in 2020 there were none, and only one woman in the Nevis Island Assembly was appointed. Discrimination, sexist rhetoric, and intimidation toward women and their families discourage many from engaging in the political environment. LGBT+ people are marginalized and discriminated against, affecting their ability to engage in frontline politics.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The elected prime minister, cabinet, and national legislative representatives freely determine the policies of the government.

C2. Are safeguards against official corruption strong and effective? 3 / 4

St. Kitts and Nevis's anticorruption laws are mostly implemented effectively. However, while the Integrity in Public Life Act was adopted in 2013, establishing a code of conduct for public officials and financial disclosure guidelines, its implementation rules were not issued until 2018 and have not yet taken root. For example, Lindsay Grant and Jonel Powell, both Team Unity members of the National Assembly, have been the center of a 2017 case alleging that both men misappropriated \$460,000 from a client. In July 2020, the Eastern Caribbean Supreme Court upheld the St. Kitts High Court convictions of Powell and Grant. Both remained in the Cabinet.

In recent years, concerns have been raised about the country's Citizenship by Investment (CBI) and Residence by Investment Programs. The government has introduced reforms to address malpractice criticism, including expanded background checks and enacting stricter escrow-account rules. According to a 2021 report from a *Financial Times* subsidiary, St. Kitts has improved the regulation of their CBI program, reforming it into of the best in the world.

C3. Does the government operate with openness and transparency? 3 / 4

The government generally operates with transparency, though it long lacked a freedom of information law, which was finally passed in 2018. The Freedom of Information Act has yet to be implemented due to inadequate resources. Also, the law offers exemptions protecting information related to national security, court proceedings, trade secrets, intellectual property rights, and international relations.

CIVIL LIBERTIES: 54 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Freedom of expression is constitutionally guaranteed, and the government generally respects press freedom in practice. However, the state owns the sole local television station, and the opposition faces some restrictions on access to it. Defamation is a criminal offense that can potentially carry a prison sentence. Some journalists reportedly self-censor in order to avoid pressure from government officials. Radio news coverage is relatively vibrant and pluralistic.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally protected and generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government generally respects academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on individuals' ability to express their personal views regarding political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally guaranteed and generally respected in practice. Demonstrations on various topics routinely proceed without incident. In August 2021, a protest against COVID-19 vaccine mandates for public sector employees was broken up by police, who arrested several people. Tear gas was allegedly used, and a handful of demonstrators were injured. Prior approval for the demonstration had not been given, and the assistant commissioner of the police warned that officers would disperse the crowd.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs generally operate without restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

While workers may legally form unions, employers are not bound to recognize them. A union can engage in collective bargaining only if more than 50 percent of the company's employees are members. Antiunion discrimination is prohibited, and the right to strike, while not protected by law, is generally respected in practice. However, employers, if found guilty of union-based discrimination, are not compelled to rehire employees that had been fired.

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is largely independent. The highest court is the Eastern Caribbean Supreme Court, but under certain circumstances there is a right of appeal to the Trinidad-based Caribbean Court of Justice and the Privy Council in London.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Defendants are guaranteed a range of due process rights, which are mostly respected in practice; legal provisions for a fair trial are generally observed. Arbitrary arrests are prohibited, and security forces generally operate professionally. However, extended pretrial detention is a problem, with some detainees remaining in custody for more than two years before facing trial or having their cases dismissed.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While the country is free of war and other such threats to physical security, the government in recent years has struggled to contain a high rate of violent crime, which is linked primarily to criminal groups fighting for territory and control of the domestic drug trade. In 2018, a total of 23 homicides were recorded—which, in a country of 50,000 people, gave St. Kitts and Nevis one of the world’s highest homicide rates per capita. The government has attempted to address the problem through various means, including a “Peace Initiative,” whereby members of criminal groups were encouraged to move out of crime and into legal activities. Police have employed stop-and-search methods extensively. However, the government claims that violent crime has been decreasing: there were 10 recorded homicides in 2020, down significantly from the 2011 high of 35. In October 2021, two men were gunned down on a beach bar by an unknown assailant, though police arrested three people a month later in connection with the killings. Prison conditions remain overcrowded.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The law protects individuals against discrimination on various grounds, including race, sex, and religion, and these provisions are generally upheld. However, sexual orientation and gender identity are not similarly protected, and societal discrimination against LGBT+ people is pervasive. Under colonial-era laws, same-sex relations between men are illegal and punishable with imprisonment of up to 10 years. No law specifically prohibits workplace sexual harassment.

Rastafarians at times experience barriers to employment and other disadvantages due to discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are no significant restrictions on freedom of movement in St. Kitts and Nevis, and individuals freely change their place of residence, employment, and education. However, concerns were raised in 2020 about the multiple states of emergency the government enacted and the restrictions that came with them, which included a curfew. Some of these rules were significantly reduced in 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework generally supports private business activity, though there have been complaints about timely compensation for land confiscated through eminent domain laws, and the delays in registering property.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

There are few restrictions on individual freedoms pertaining to personal status issues, though same-sex marriage is not recognized. While domestic violence is criminalized, it remains a widespread problem in practice, and spousal rape is not specifically prohibited by law.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides safeguards against exploitative working conditions, though lack of resources reportedly affects enforcement. The US State Department *Trafficking in Persons* report from 2021 noted that St. Kitts and Nevis was a destination country, with people being trafficked arriving there through other Caribbean ports. Local human rights activists have alleged that human smugglers transit through the country regularly and had in the past brought in sex workers and laborers.

St. Lucia

Population: 200,000

Capital: Castries

Freedom Status: Free

Electoral Democracy: Yes

Overview: St. Lucia is a parliamentary democracy that holds competitive elections and has long experienced peaceful transfers of power between rival parties. Persistent challenges include government corruption and inadequate transparency, police brutality and a perception of impunity for such abuses, and discrimination against LGBT+ people.

KEY DEVELOPMENTS IN 2021

- In September, reports found that the government had attempted to procure 100,000 doses of the AstraZeneca vaccine from a St. Lucian-registered company that was in no position to purchase or provide the vaccines. The former health minister who would have been responsible denied having knowledge of the contract, but former prime minister Allen Chastanet confirmed the deal, which awarded the company approximately US\$2.7 million of government funds.
 - The July elections for the House of Assembly were considered competitive and credible, and stakeholders accepted the results. The Saint Lucia Labour Party (SLP), formerly the opposition, secured 13 seats by winning over 50 percent of the vote, defeating the former governing party, the United Workers Party (UWP), which took 2 seats and 42 percent of the vote. The remaining seats were won by independents. Voter turnout reached 51 percent.
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POLITICAL RIGHTS: 38 / 40 (+1)**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The prime minister, usually the leader of the majority party in Parliament, is appointed as head of government by the governor general, who represents the British monarch as the largely ceremonial head of state. Phillip Pierre was chosen as prime minister following the July 2021 legislative elections, which were considered free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral Parliament consists of the 18-seat House of Assembly, with 17 members directly elected to five-year terms and a speaker elected by the members, and the 11-seat Senate, whose members are appointed. The prime minister chooses 6 senators, the opposition leader selects 3, and 2 are chosen in consultation with civic and religious organizations.

The most recent House of Assembly elections took place in July 2021. The polls were considered competitive and credible, and stakeholders accepted the results. The SLP, formerly the opposition, secured 13 seats by winning over 50 percent of the vote, defeating the then-governing UWP, which took 2 seats and 42 percent of the vote. The remaining seats were won by independents. Voter turnout reached 51 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair and implemented impartially by the Electoral Commission. However, differences in the sizes of constituencies have resulted in unequal voting power among citizens. While the largest constituency (Gros Islet) has more than 24,000 registered voters, the smallest (Dennerly South) has only 5,400. Constituency boundaries were last redrawn in 2001. After the 2021 elections the Commonwealth Observer Group criticized the outdated voters' registry, noting that the Electoral Commission had not consistently removed deceased and ineligible people from the roll since 1979. Further, they noted that arrangements were not made for some groups of eligible voters to cast ballots, specifically those in quarantine or on remand. The Organization of American States (OAS) observer mission highlighted the absence of campaign finance laws and raised concerns that the lack of oversight and accountability in the financing of politics impacts the equity and transparency of elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties may organize and operate freely. Several small parties operate, though the UWP and SLP have dominated politics since the 1960s, aided in part by the country's first-past-the-post electoral system. Campaigns are financed entirely through private funds, which can also disadvantage new and small parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has a long record of democratic transfers of power, with the UWP and SLP regularly alternating in government.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and candidates are generally free to make political choices without undue influence. However, there are few legal controls on the source of funds or on spending by candidates and parties, raising concerns about the potential for improper influence by unaccountable foreign and domestic interests.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

All citizens are formally entitled to equal political rights and electoral opportunities. Some 85 percent of the population is of African descent, while Afro-European, East Indian, and other minorities are present.

Women are underrepresented in politics; only two women won House of Assembly seats in 2021; a reduction of one compared to 2016. However, the number of women running for office slightly increased: 11 out of 45 (24 percent) candidates were women. More women have also recently assumed roles as electoral officials and within party structures. The LGBT+ community is marginalized, affecting its ability to engage fully in political processes.

C. FUNCTIONING OF GOVERNMENT: 11 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4 (+1)

The elected prime minister, cabinet, and Parliament determine the policies of the government without improper interference from unelected entities.

Parliamentary oversight of COVID-19-related legislation was affected by the former UWP government's efforts to attain legislative approval via a curtailed parliamentary process. In September 2020, the UWP introduced the COVID-19 (Prevention and Control) Bill, aiming to pass it in one sitting. A group of opposition and independent senators did not attend a scheduled debate, denying the body a quorum and prompting the governor general to appoint two temporary members. The bill was passed in early October. However, no such legislative maneuvers occurred in 2021, and the new SLP government has also refrained from manipulating parliamentary procedure.

Score Change: The score improved from 3 to 4 because the previous year's passage of legislation through irregular parliamentary processes was not repeated.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Several state institutions are responsible for combating corruption, including the parliamentary commissioner, the auditor general, and the Public Service Commission, but their effectiveness is limited somewhat by a lack of resources.

In 2018, an Organization for Economic Co-operation and Development (OECD) report criticized the operation of the country's Citizenship by Investment program. In response, St. Lucia has made efforts to improve transparency, the applicant verification process, and the administration of the program.

C3. Does the government operate with openness and transparency? 4 / 4

The government generally operates transparently. Access to information is legally guaranteed, and government officials are legally required to declare their financial assets annually to the Integrity Commission. However, the commission lacks the enforcement powers necessary to ensure full compliance.

In September 2021, reports found that the former UWP government had attempted to procure 100,000 doses of the AstraZeneca vaccine from a St. Lucian-registered company that was in no position to purchase or provide the vaccines. The former health minister denied having knowledge of the contract, but former prime minister Allen Chastanet confirmed the deal, which awarded the company approximately US\$2.7 million of government funds. The new SLP government ordered an investigation into the matter.

CIVIL LIBERTIES: 54 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

The constitution guarantees freedom of expression and communication, and press freedom is largely upheld in practice. A number of private and independent news outlets carry content on a range of issues.

Criminal libel laws remain on the books, with convictions potentially drawing heavy fines and a jail sentence of up to five years, though civil suits are more common.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected under the constitution and other laws, and these safeguards are largely upheld in practice. However, Rastafarians face some systemic disadvantages in practicing their beliefs, and Muslims have reported occasional harassment.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on individuals' ability to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The government generally respects the constitutionally protected right to free assembly. Prior to the 2021 elections, both main political parties agreed that campaign rallies could still be held, but they decided to ban motorcades on advice of the health authorities to prevent the spread of COVID-19. In October, the government lifted a long-standing state of emergency linked to the pandemic, which had restricted people's assembly rights.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Independent nongovernmental organizations (NGOs) are free to form and operate.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Most workers have the right under the law to form and join independent unions, go on strike, and bargain collectively. Antiunion discrimination is prohibited.

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 4 / 4**

The judicial system is independent and includes a high court under the Eastern Caribbean Supreme Court (ECSC). Judges are appointed through an impartial Judicial and Legal Services Commission. The London-based Privy Council is the final court of appeal.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Detainees and defendants are guaranteed a range of legal rights, which are mostly respected in practice. However, police corruption is a concern, and court backlogs contribute to lengthy pretrial detention. Defendants charged with serious crimes may spend several years awaiting trial behind bars.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

While the population is mostly free from pervasive threats to physical security, violent crime rates remain relatively high on a per capita basis. The number of homicides was over 70 for 2021, an all-time high.

Police brutality has been seen as a significant problem in St. Lucia, and there is a perception that members of the Royal Saint Lucia Police Force (RSLPF) enjoy impunity for abusive behavior. In 2013, the United States cut aid to the RSLPF over allegations related to extrajudicial killings. While an international investigation into the matter was completed in 2014, and RSLPF members were considered culpable, prosecutors took no legal action. The United States consequently cut aid to the St. Lucian government, though this was restored in June 2021 when the US government renewed security cooperation and assistance to some RSLPF units.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

While discrimination on the basis of race, sex, religion, and other such grounds is generally prohibited, the law does not provide full protection to LGBT+ people. The labor code prohibits dismissal of employees based on sexual orientation. Under an ECSC directive, murders committed when sexual orientation is a motive can be punishable with a life sentence. However, same-sex relations can draw up to 10 years in prison, and LGBT+ people face significant societal prejudice.

Rastafarians face societal disadvantages due to their beliefs, and Muslims have reported harassment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are no serious impediments to freedom of movement in St. Lucia, and individuals are generally free to change their place of residence, employment, or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal and regulatory framework is supportive of property rights and private business activity. The government has actively encouraged both domestic and foreign investors to do business in the country.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The law largely guarantees individual rights with respect to personal status issues like marriage and divorce, but the civil code distinguishes between “legitimate” and “illegitimate” children, which can lead to discrimination against unmarried women and their children in civil and family law cases. Domestic and gender-based violence (GBV) are serious concerns and often go unreported. The law only criminalizes spousal rape when a couple is separated or when a court has issued a protection order. In June 2021, United and Strong, a local NGO, called instances of domestic violence in the country a “growing epidemic.”

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Safety rules and other protections against worker exploitation are typically upheld. While the government has made increased efforts to combat human trafficking, investigations and prosecutions are rare. Authorities in St. Lucia have never convicted anyone of trafficking.

St. Vincent and the Grenadines

Population: 100,000

Capital: Kingstown

Freedom Status: Free

Electoral Democracy: Yes

Overview: St. Vincent and the Grenadines is a parliamentary democracy that holds regular elections and has seen numerous transfers of power between parties. While civil liberties are generally upheld, journalists face the possibility of criminal defamation charges, and same-sex relations remain illegal. Violent crime is a concern.

KEY DEVELOPMENTS IN 2021

- In April, La Soufrière, a volcano in the north of St. Vincent, erupted, displacing over 13,300 people. By October, 1,500 people were still in need of housing, with some still living in communal shelters.
- Prime Minister Ralph Gonsalves was injured during an August protest in Kingstown. Gonsalves was hit by an object as he tried to enter the House of Assembly and later traveled to Barbados for medical testing.

POLITICAL RIGHTS: 36 / 40**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The prime minister, usually the leader of the majority party in the parliament, is appointed by the governor general, who represents the British monarch as the largely ceremonial head of state. Ralph Gonsalves remained prime minister following the victory of his incumbent Unity Labour Party (ULP) in the 2020 legislative elections, which were considered free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution provides for the direct election of 15 representatives to the unicameral House of Assembly. In addition, the governor general appoints six senators to the chamber: four selected on the advice of the prime minister and two on the advice of the opposition leader. All serve five-year terms.

The ULP won its fifth consecutive electoral victory in November 2020, taking nine seats. Although the party increased its majority by one seat, it won around 500 votes less than the New Democratic Party (NDP), which won six seats. It was the first time since 1998 that the party winning the most votes did not win the most seats. Voter turnout was 67 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are generally fair and impartially implemented. Efforts to update voter lists were initiated in 2013. Ahead of the 2015 elections legislators passed, with bipartisan support, an election-law amendment that removed almost 24,000 names from the lists. That year's Organization of American States (OAS) election-monitoring mission welcomed the change but recommended continuous updating and verification processes, which have not yet been enacted. The mission also called for better standardization of voting procedures across polling sites. The 2020 elections were deemed free and fair.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties can organize freely. While there are a number of smaller political parties in the country, only the ULP and NDP have won parliamentary seats since 1998. The first-past-the-post electoral system has contributed to this pattern, but there are also concerns that unregulated private campaign financing puts smaller parties at a disadvantage. The limited state funding that is available goes only to parties represented in the previous parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has experienced multiple peaceful transfers of power between rival parties after elections, including two since it gained full independence in 1979. The ULP has been in government since 2001, but it has had only a narrow majority over the opposition NDP since 2010.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

The political choices of candidates and voters are generally free from interference by extrapolitical forces. However, the OAS raised concerns in 2015 about the lack of transparency regarding party and campaign financing, which could enable undue influence by private actors. Little has been done since to address these concerns.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All citizens are formally entitled to full political rights and electoral opportunities, but women remain significantly underrepresented in the legislature and in politics generally. In

its report on the 2015 elections, the OAS noted “pervasive reluctance” on the part of potential women candidates to participate in harsh political campaigns. No women were elected to the House of Assembly in the 2015 or 2020 elections. The ULP selected women to hold the legislative speakership and deputy speakership after the 2020 elections.

LGBT+ people are marginalized, and this affects their ability to engage fully in political processes. There are no openly LGBT+ House of Assembly members. The St. Vincent population is largely Afro-Caribbean and of mixed African-European descent, with the major religions being Protestantism and Catholicism. These segments of the population and others can engage in the political process. The small Rastafarian community does not engage fully with politics, although politicians canvas for their votes.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The elected prime minister, cabinet, and House of Assembly members determine the policies of the government without improper interference from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The independent judiciary and media provide checks on government corruption. However, there is no specialized national anticorruption agency, and claims of petty corruption continue to be reported.

C3. Does the government operate with openness and transparency? 3 / 4

The government generally operates with openness and transparency. Nevertheless, freedom of information legislation that was passed in 2003 has yet to be implemented, and there is no active legislation requiring government officials to disclose assets, income, or gifts. In July 2021, the NDP claimed that audit reports were five years behind schedule.

The government has not released a 2018 poverty assessment report, which allegedly shows that poverty increased in the preceding decade.

CIVIL LIBERTIES: 55 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

The constitution guarantees the freedoms of expression and communication, which are usually upheld in practice. The state owns the main local broadcaster, and concerns have been raised, most recently by the NDP in 2020, about the level of access to the broadcaster given to the political opposition. However, several private newspapers operate consistently, and news consumers also have access to foreign media and online outlets.

Journalists remain subject to criminal and civil defamation laws, and the 2016 Cyber-crime Act broadened the definition and scope of defamation to include online publications; violation of its often vaguely worded provisions can carry a fine of as much as EC\$500,000 (\$185,000) and up to seven years’ imprisonment. In August 2021, Prime Minister Gonsalves sued former House of Assembly speaker Jomo Thomas, accusing Thomas of libel for writing that Gonsalves engaged in “misbehaviour in public office” in a newspaper column. Gonsalves sought EC\$450,000 (\$167,000) in damages and legal fees.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is constitutionally protected and respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on individuals' ability to express their personal views on political or other sensitive topics. However, the threat of defamation is used by politicians.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally protected and generally upheld in practice. However, some protests were met with forceful rhetoric or were violent in 2021. In July, an NDP legislator accused a senior police officer of ordering subordinates to shoot protesters if they removed a barricade during a Kingstown rally, though another senior officer told protesters the police would not open fire.

Protesters voiced their opposition to the government's COVID-19 policies at a rally in front of the House of Assembly in an August event. Prime Minister Gonsalves was struck by an object when attempting to enter the legislature and traveled to Barbados for follow-up medical tests. NDP official Tyrone James and another seven people were later accused of violating the Public Order Act and for failing to inform police of the intended July and August events. In December, the director of public prosecution elected not to prosecute.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The constitution protects the right to form or join trade unions and other such associations. Unions are permitted to strike and engage in collective bargaining. The law prohibits antiunion discrimination and dismissal for engaging in union activities. The right to collective bargaining is generally upheld, though public-sector unions have in the past criticized the government for failing to respect the bargaining process. The St. Vincent and the Grenadines Teachers' Union held strikes opposing a COVID-19 vaccine mandate in December 2021.

F. RULE OF LAW: 14 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary generally operates independently. Judges are appointed through an impartial Judicial and Legal Services Commission and cannot be dismissed arbitrarily. The country is subject to the Eastern Caribbean Supreme Court and recognizes the original jurisdiction of the Caribbean Court of Justice, though the London-based Privy Council remains the final court of appeal.

F2. Does due process prevail in civil and criminal matters? 3 / 4

There is due process in civil and criminal matters. Detainees and defendants are guaranteed a range of legal rights, which are mostly respected in practice. However, there is a significant case backlog, which leads to prolonged pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The population is free from war and other acute threats to physical security. Some 28 homicides were recorded during 2021 through late September, a decline from higher rates seen over the past decade.

Prison conditions have improved since a new correctional facility was opened in 2012, but the old prison in Kingstown is still in use and features substandard conditions. Key problems with prison facilities include understaffing, overcrowding, and limited space to segregate noncompliant and juvenile prisoners.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution prohibits discrimination based on race, sex, religion, and other such categories, but sexual orientation and gender identity are not similarly protected. Same-sex relations is illegal and carries penalties of up to 10 years in prison. While the law is rarely enforced, societal discrimination against LGBT+ people persists. In 2019, two gay Vincentian men filed a legal challenge to the law; the government said it would oppose the challenge and received the backing of several Christian groups. No further updates on the case were reported during 2021.

Women reportedly face sexual harassment in the workplace, which is not specifically addressed by law.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

There are no significant restrictions on freedom of movement, and individuals can freely change their place of residence, employment, and education. The April 2021 La Soufrière eruption caused significant displacement, especially in the north. Over 13,300 people were displaced. In October, the International Federation of Red Cross and Red Crescent Societies (IFRC) reported that 1,500 people were still in need of housing, with some still living in communal shelters.

Public-sector employment was affected by a government mandate requiring some workers to receive COVID-19 vaccinations, which was announced in October 2021 and took effect in December. That same month, Prime Minister Gonsalves announced that 32 emergency personnel resigned or retired instead of comply with the mandate. Some 12 teachers were dismissed for noncompliance by December.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals are free to own property and to establish and operate businesses. The government has actively encouraged both domestic and foreign investors to do business in the country, though there are some regulatory difficulties with respect to registering property, obtaining credit, and resolving insolvency.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual rights with respect to personal status matters like marriage and divorce are generally protected by law, though same-sex marriage is not recognized. The Domestic Violence Act of 2015, which went into effect in 2016 and provides for protective orders, offers

some tools and resources to victims of domestic violence. However, such violence remains a serious and widespread problem, as does sexual assault.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides safety and other basic protections against labor exploitation, and these are typically upheld, though there are some reports of inadequate enforcement. The Prevention of Trafficking in Persons Act of 2011 criminalizes forced labor and sex trafficking, and the government has increased its efforts to investigate violations and improve prevention and victim protection, but it has yet to secure any trafficking convictions, the US State Department reported in 2021.

Sudan

Population: 44,900,000

Capital: Khartoum

Freedom Status: Not Free

Electoral Democracy: No

Overview: After military commanders and a prodemocracy protest movement ousted the repressive regime of longtime president Omar al-Bashir and his National Congress Party (NCP) in 2019, Sudan was ruled by a transitional government in which military and civilian leaders agreed to share power until national elections could be held. The government began to enact reforms, and space for the exercise of civil liberties slowly opened. However, the process was thrown into turmoil in late 2021 when the military leadership dissolved the transitional government in a coup and cracked down on the ensuing prodemocracy protests. Throughout the transition period, violence involving security forces, other armed groups, and rival ethnic communities has persisted in many parts of the country.

KEY DEVELOPMENTS IN 2021

- In October, Lieutenant General Abdel Fattah al-Burhan, commander of the SAF and chairman of the Transitional Sovereign Council (TSC), declared a state of emergency and dissolved the transitional government that had been in place since the overthrow of Omar al-Bashir's regime in 2019. The SAF detained civilian prime minister Abdulla Hamdok and several other government ministers and advisors.
 - On November 21, Hamdok was reinstated as prime minister after signing an agreement with al-Burhan. The November 21 agreement provided for the release of political detainees, a new technocratic government, and the restructuring of a committee tasked with recovering public assets stolen by the former regime. The country's main civilian political coalition, the Forces of Freedom and Change (FFC), was excluded from both the new government and the TSC, of which al-Burhan remained the chairman.
 - Violence by the authorities against protesters increased from the October coup through the end of the year, with security forces killing 53 anticoup protesters and injuring hundreds more. Security forces also obstructed demonstrators' access to medical care by arresting doctors and patients, firing tear gas into hospitals, and blocking access to ambulances and health facilities. To prevent demonstrations,
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authorities shut down the internet, blocked bridges and roads in Khartoum, arrested organizers, and outlawed labor unions that played a leading role in the prodemocracy movement.

- Intercommunal ethnic violence, especially in the Darfur region, increased throughout the year. UN agencies reported that between January and August, hundreds of people were killed and nearly 500,000 people were newly displaced as a result of such violence. Displacement levels in Darfur in 2021 were eight times higher than those in the previous year.

POLITICAL RIGHTS: 0 / 40 (-2)**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

On October 25, 2021, Lieutenant General Abdel Fattah al-Burhan, commander of the SAF and chairman of the TSC, declared a state of emergency and dissolved the transitional government that had been in place since the overthrow of Omar al-Bashir's regime in 2019. The SAF detained civilian prime minister Abdulla Hamdok and several other government ministers and advisors. On November 11, al-Burhan reconstituted the Sovereign Council, with himself as chair, including old members, new members, and Juba Peace Agreement (JPA) signatories in the body. On November 21, Hamdok was reinstated as prime minister after signing an agreement with al-Burhan that provided for the release of political detainees, a new technocratic government, and the restructuring of the Empowerment Removal Committee (ERC). However, it also retains the Sovereign Council's "oversight" role in government and excluded the civilian political coalition, the Forces of Freedom and Change (FFC), from participating in the Sovereign Council. These provisions allow the military and al-Burhan to maintain significant control over the transitional government.

The FFC and Sudanese across the country rejected the November 21 agreement, protesting to demand a full civilian government. Additionally, 12 ministers resigned in protest.

Following the coup, General al-Burhan dismissed multiple government ministers, replacing them with caretaker deputy ministers. He also replaced multiple state governors. In December 2021, Prime Minister Hamdok issued decrees to replace many of those caretaker officials but could not garner the political consensus to appoint a full cabinet.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The former parliament was dissolved as part of the 2019 revolution. The transitional constitution called for a 300-seat Transitional Legislative Council (TLC), which was to hold office until elections could be held. The TLC was not formed prior to the October 2021 coup and remained unformed at the end of the year.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

In September 2021, the Ministry of Justice presented and held public consultations on a draft electoral commission law. The draft law set forth the commission's powers, membership, and legal and administrative responsibilities, including the drafting of and consultations on electoral law. However, the draft law was not passed, and an electoral commission was not created prior to the October coup.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16 (-2)**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The transitional constitution guaranteed the right to form political parties, subject to legal regulation. Security forces arrested procivilian political party and FFC leaders and members following the October 2021 coup, including the heads of the Sudanese Congress Party and the Arab Socialist Ba'ath Party—Omar al-Diqir and Ali al-Rih al-Sanhoury—and a leader in the Umma Party, Siddiq al-Sadiq al-Mahdi. Released in December, some party leaders were held incommunicado and may have experienced torture. Also in December, unidentified assailants fired tear gas to break up an FFC public meeting to discuss plans to counter the coup.

In 2019 and 2020, transitional authorities arrested high-ranking NCP members associated with the former regime, disbanded the NCP, and established a committee to seize its assets. Following the 2021 coup, several former NCP leaders, Islamists, and al-Bashir allies were released from detention.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4 (-1)

General al-Burhan dissolved the TSC and transitional government in the October 2021 coup, and security forces detained more than 100 government ministers and advisors and procivilian political party and FFC leaders. He later reconstituted the Sovereign Council with himself as chairman and extended its oversight authority. The November 21 agreement led to the release of opposition leaders from detention but excluded the civilian political coalition FFC from governing arrangements.

Score Change: The score declined from 1 to 0 because the military seized control of the country's transitional government in a coup.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4 (-1)

The October 2021 coup was led by the SAF and supported by the Rapid Support Forces (RSF) and leaders of armed movements that had signed the JPA. International media organizations reported that General al-Burhan spoke with Egyptian officials prior to the coup, seeking their support for the military takeover. It followed a coup attempt on September 21, 2021, when soldiers loyal to the former regime tried to seize control of the state media building.

Score Change: The score declined from 1 to 0 because the military seized control of the country's transitional government in a coup.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The interim constitution commits Sudan to a decentralized political system in which citizens are free to exercise their rights without discrimination based on race, religion, gender, regional affiliation, or other such grounds.

Women played an influential role in the 2019 protest movement and have since demanded greater representation at all levels of government and in peace negotiations. Although two women were named to the TSC in August 2019, one resigned in May 2021 protesting military dominance in the Council.

LGBT+ people remain politically marginalized and same-sex sexual relations is still criminalized.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

In October 2021, General al-Burhan staged a coup, dissolved the TSC and transitional government, and detained Prime Minister Hamdok and several government ministers and advisors. Following the coup, local and regional government officials were removed and replaced, and General al-Burhan reconstituted the Sovereign Council with himself as chair. Although Prime Minister Hamdok was later released, reinstated, and attempted to replace officials appointed by the coup leaders, the military continued to control the government at the end of the year. The TLC has yet to be formed.

Per the JPA, in April 2021, Sudan Liberation Army (SLA) leader Minni Minawi was appointed governor of the Darfur region.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Sudan is a signatory to but has not ratified the UN Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption. Transparency International (TI) ranked Sudan 164 of 179 countries in its 2021 global Corruption Perceptions Index.

Following the October 2021 coup, General al-Burhan suspended the ERC, which was created by transitional authorities to investigate financial crimes by former regime officials and their supporters and recover stolen assets, and arrested several of its members. In addition, he established a committee to review and receive the funds recovered by the Empowerment and Removal Committee.

Before the 2021 coup, the ERC froze 500 bank accounts and recovered approximately \$140 million in assets from persons accused of money laundering, currency trading, and tax evasion. Other members of al-Bashir's regime, who engaged in corrupt activities, have escaped scrutiny and use their senior government positions to enrich themselves.

In April 2021, the TSC approved the Anti-Corruption National Commission Law that sets forth an anticorruption commission's powers, membership, differences to the Empowerment Removal Committee, and legal and administrative responsibilities, including the drafting of and consultations for anticorruption laws and directives. In September, the minister of justice issued an open invitation for nominations to the commission, though it was not established prior to the coup.

C3. Does the government operate with openness and transparency? 0 / 4

The interim constitution required members of the TSC and TLC, the cabinet, and governors to file disclosures about their personal assets, but there are no clear mechanisms for enforcement, and compliance is reportedly poor in practice.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION**Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0**

Former president al-Bashir faces outstanding arrest warrants from the ICC on charges of war crimes, crimes against humanity, and genocide in Darfur, where an insurgency by members of local ethnic minority groups began in 2003. The transitional government

reached an agreement with Darfuri rebel groups in February 2020 to turn over to the International Criminal Court (ICC) five Sudanese suspects accused of war crimes, including al-Bashir, and signed the Juba Peace Agreement with the SRF alliance and another rebel group, the Sudan Liberation Army (SLA) Minni Minnawi faction. In August, the ICC and the transitional government signed a Memorandum of Understanding that allows the international body to open an office in Sudan. Terms for al-Bashir's extradition to The Hague were in discussion at the end of 2021.

The October 2020 Juba Peace Agreement, which was meant to end ethnic insurgencies and alleged government war crimes in South Kordofan and Blue Nile States as well as in Darfur, includes provisions to establish a transitional justice commission, a special court for war crimes, economic and land rights, integration of rebels into security forces and political institutions, and a 10-year, \$750 million fund to address social and economic marginalization in the conflict areas and support the return of displaced persons. Implementation of these measures remained uncertain at the end of 2021. Prior to the October 2021 coup, the transitional government continued negotiations with the Sudan's People Liberation Movement-North around issues of unification of their armed forces, ethnic and religious diversity, minority rights, government decentralization, and a secular state. In July 2021, the Council of Ministers approved a draft bill on the Darfur governance system as a Darfur region as opposed to five states.

However, localized ethnic or communal conflict increased across Sudan in 2021. The UN reported 152 documented security incidents between May and August, with the most significant intercommunal clashes and incidents of violence (including sexual violence) occurring between local citizens or displaced persons and rival tribes, RSF soldiers, or government-affiliated militias in North and South Darfur, and South and West Kordofan. In Darfur, fighting also broke out between the SLA and RSF, as well as between SLA factions. UN agencies reported that between January and August, hundreds of people were killed and approximately 410,000 people were newly displaced (mostly in Darfur), a six-fold increase from the same time period in 2020. Violence further escalated between October and December, with hundreds more people killed or injured and more than 83,000 people newly displaced. Displacement levels in Darfur in 2021 were eight times higher than those in 2020.

In response to local conflicts, the government deployed additional security forces, declared states of emergencies, imposed curfews, and engaged in peacebuilding initiatives. In June, the transitional government announced a new National Plan for Protection of Civilians.

CIVIL LIBERTIES: 10 / 60 (-5)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16 (-2)

D1. Are there free and independent media? 1 / 4

The interim constitution guarantees freedom of the press, and the transitional government pledged to draft legislation that increases protections for journalists. In August 2021, the Ministry of Culture and Information published draft media reform laws for public consultations. The draft laws address the creation of a commission to support and protect the right to information; the independence of journalists and media organizations; the establishment of a Press Council to protect press freedom and oversee professionalism; and the creation of a Board of Governors of the Radio and Television Corporation. The draft laws were not approved prior to the October 2021 coup and their future remained unclear at the end of the year.

However, throughout 2021, security officers assaulted and arrested journalists and suspended publications under the guise that they violated the criminal code by inciting

violence or committing “crimes against the state.” Others were arrested for defaming public officials. Attacks on the press escalated in September, when the Press and Publications Council suspended *Al-Intibaha* and *Al-Sayha* newspapers for three days after they published announcements about planned protests in eastern Sudan. The council accused the newspapers of inciting violence or war. One day later, police arrested Otaf Abdelwahab Altom, journalist and director of Al-Naba Center for Press Services, claiming he undermined the constitutional system and waged war against the state; he was being held incommunicado at the end of the year. The Empowerment Removal Committee also dismissed 79 employees of the Sudan News Agency in September, for their connections to the former regime.

Following the October 2021 coup, the Sudanese Journalists Association reported that coup leaders arrested journalists, shut down radio news outlets’ broadcasting stations, and harassed editors, pressuring them to abstain from critical reporting.

The 2018 Law on Combating Cybercrimes increased the prison sentences for crimes such as disseminating false information remains in effect.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Sudan’s population is mostly Muslim, with a small Christian minority. The 2019 interim constitution guarantees freedom of worship and does not give Islam an official status. The TSC pledged to issue clear guidelines for those seeking permission to build new churches, and Christians welcomed the appointment of a Coptic Christian judge to one of the TSC’s civilian seats. In 2019, the transitional government repealed the Public Order Act, which had been used to punish both Muslims and non-Muslims for public behaviors that were deemed indecent or immoral according to the official interpretation of Sunni Islam.

In 2020, the transitional government adopted the Miscellaneous Amendments Act, which repealed the criminalization of apostasy, abolished corporal punishment for blasphemy, and permitted non-Muslims to trade and consume alcohol, among other provisions.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4 (–1)

Following the October 2021 coup, authorities arrested deans and professors at al-Gezira University who had criticized the military takeover. In addition, security forces attacked student protesters on university campuses. In November, several universities closed their campuses and suspended classes, citing political instability.

In 2019, transitional authorities moved to disband NCP groups in higher education and dismissed 28 university chancellors and 35 vice chancellors, many of whom were affiliated with the NCP. The administrators were replaced with more independent figures.

Score Change: The score declined from 2 to 1 because universities closed due to the coup, and students and teachers opposing the coup were attacked.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (–1)

The interim constitution affirmed the right to freedom of expression and privacy, including citizens’ right to engage in private correspondence without interference. The transitional government began to dismantle the surveillance apparatus associated with the former regime, notably by replacing the National Intelligence and Security Service (NISS) with the General Intelligence Service (GIS)—which has more restricted powers and responsibilities—in 2019. The transitional government increased penalties for disseminating false information and other such offenses in July 2020, and officials have

arrested and harassed activists for critical speech. In March 2021, activist Waad Bahjat was sentenced to a six-month suspended prison sentence and fined 10,000 Sudanese pounds (\$22) after being found guilty of “public annoyance” and “use of criminal force.” She had been arrested in November 2020 after she livestreamed video on her Facebook page documenting women being harassed by police and SAF soldiers. She was initially charged with defamation, insult to a public servant exercising judicial proceeding, publishing false news, and public nuisance under the Sudanese Criminal Act of 1991, though some of these charges were dropped.

After the October 2021 coup, General al-Burhan issued a December decree expanding security forces’ and intelligence agencies’ powers to conduct home raids, surveil citizens, and detain suspects. Neighborhood Resistance Committees (NRCs) and human rights groups have claimed that the decree violates citizens’ rights to privacy and due process.

Ongoing violent conflict by security forces and nonstate actors during 2021 also served to deter unfettered discussion and criticism of the government among ordinary citizens.

Score Change: The score declined from 2 to 1 due to increased targeting of activists expressing antimilitary or anticoup sentiments.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (-2)

E1. Is there freedom of assembly? 1 / 4 (-1)

The TSC reaffirmed the right to assemble in the interim constitution, and citizens regularly participated in demonstrations during 2021, calling for more rapid democratic reforms, the advancement of women’s rights, accountability for a June 2019 massacre of protesters in Khartoum, and more.

However, security forces repeatedly used tear gas, rubber bullets, and live ammunition to break up demonstrations in 2021. In May 2021, army soldiers used excessive force to break up protests at the military headquarters demanding action against perpetrators of the June 3 massacre, killing two and injuring at least 28 others. Violence by the authorities increased following the October coup, when NRCs began to organize regular countrywide demonstrations against the military takeover and demand civilian rule. From October 25 through December, security forces killed 53 protesters and injured hundreds more. Women protesting reported being raped by security officers. Security forces also blocked demonstrators’ access to medical care, including by arresting doctors and patients, shooting tear gas into hospitals, and blocking access to ambulances and hospitals. To prevent demonstrations, authorities shut down the internet, blocked bridges and roads in Khartoum, arrested organizers, and banned unions to prevent them from organizing.

Sit-ins across the Darfur region were common in 2021, as citizens protested ongoing violence in that region, attacks on internally displaced persons (IDPs), and lack of government support. Security forces routinely responded to these acts of protest with excessive and disproportionate violence. For example, in April, joint security forces in Belil used excessive force to break up a sit-in calling for improved governance; one woman was killed and eight injured as a result of the violence.

In East Sudan, demonstrators engaged in months-long protests in 2021 demanding more political and economic reforms for the region and a new negotiated Eastern Sudan Track of the Juba Peace Agreement. The protesters blocked highways, closed ports, and temporarily shut the oil pipeline. The highway blockage was lifted following the October 2021 coup.

Score Change: The score declined from 1 to 0 because the authorities used lethal force to disperse protests before the October coup and sought to repress prodemocracy protests afterwards, including via a communications blackout and by firing live rounds into crowds.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The transitional government has loosened the restrictions and impediments placed on civil society organizations during the al-Bashir regime. Local nongovernmental organizations (NGOs) are able to register, and organizations that had operated in exile are able to return to and register in Sudan. International humanitarian entities that had been denied access to conflict zones under al-Bashir have similarly been allowed to resume some activities. However, following the October 2021 coup, NGOs have reportedly been increasingly surveilled.

Though the outgoing minister of labor and social development issued a series of regulations in February 2021 that restricted the work of civil society organizations registered under the Sudan Voluntary and Humanitarian Works Act of 2006, the new minister suspended their enforcement a month later until a new legal framework was drafted and approved.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4 (-1)

Independent trade unions were largely absent under al-Bashir; his government banned them after taking power in 1989, and instead co-opted the Sudan Workers' Trade Unions Federation (SWTUF). The independent Sudanese Professionals Association (SPA), founded in late 2016, was instrumental in the protest movement that led to al-Bashir's ouster, and it has since played a role in the transitional government, with one of its members named to the TSC.

The interim constitution affirmed workers' right to form and join trade unions. In June 2021, the TSC approved the Trade Unions Law of 2021, after months of consultations, which lays the groundwork for union organizing. As part of the transitional government's efforts to dismantle the former ruling party and affiliated institutions, it controversially dissolved the SWTUF and the Sudan Journalists Union in late 2019. In February 2021, the World Federation of Trade Unions condemned the arrest and detention of union leaders and the creation of government-appointed steering committees to oversee union affairs.

However, following the October 2021 coup, General al-Burhan dissolved all trade unions and professional associations to limit their organizing capabilities. Multiple union and association leaders were detained and assaulted during anticoup protests.

Score Change: The score declined from 1 to 0 due to the systematic targeting of unions by the military following the coup.

F. RULE OF LAW: 0 / 16 (-1)**F1. Is there an independent judiciary? 0 / 4 (-1)**

The interim constitution envisaged the establishment of an independent judiciary to replace the politically influenced judiciary of the al-Bashir era. In May 2021, the TSC removed Chief Justice Nemat Abdullah Khair and accepted the resignation of Attorney General Taj al-Ser Ali al-Hebr, who complained of a lack of independence. That month, the ERC removed more than 20 public prosecutors from office.

Following the October 2021 coup, General al-Burhan replaced the acting public prosecutor and chief justice with former NCP officials. Al-Burhan's replacement head judge, Chief Justice Abdulaziz Fath al-Rahman Abdeen, issued a directive in December ordering the reinstatement of all judges dismissed by the ERC.

Score Change: The score declined from 1 to 0 due to the removal of the acting public prosecutor and Chief Justice with former NCP officials following the coup.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Although the interim constitution enshrined the right to due process, it also contained a provision allowing the government to invoke emergency powers and suspend some due process rights. In practice, security forces continued to engage in arbitrary arrests and detentions during 2021, including after the October coup and related protests. Political detainees, activists, and journalists were held incommunicado without access to legal representation and were likely subject to torture and inhumane treatment.

The interim constitution called for the establishment of a new public prosecutor's office, though the public prosecutor appointed in 2019 resigned in May 2021. In August, the new public prosecutor issued Circular No. 1 (2021), a directive that outlines measures to protect witnesses, victims, and others involved in serious criminal cases. Under this directive prosecutors are advised to use pseudonyms for witnesses and victims, include psychiatrists in sensitive interviews, and provide witnesses security if necessary.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

In 2020, the transitional government banned forced confessions and the "infliction of torture" on suspects, prohibited the death penalty for defendants under age 18, and abolished the penalty of flogging for some criminal offenses, although flogging and other forms of corporal punishment were still prescribed for other crimes. In August 2021, it ratified the UN Convention Against Torture and the International Convention for the Protection of All Persons from Enforced Disappearances. Court cases to hold perpetrators of state violence accountable continued or were resolved in 2021, and a few leaders of the police force responsible for allowing violence against protesters were dismissed throughout the year.

However, demonstrators protesting the October coup were violently repressed and detained by security forces. Political detainees released following the November 21 agreement to restore the transitional government reported being tortured or experiencing inhumane treatment while in detention. An advisor to former prime minister Hamdok, Faisal Saleh, reported he was held in solitary confinement in a military prison.

In September 2019, Prime Minister Hamdok announced the creation of an independent committee to investigate the June 3 Massacre of 2019; this committee was dissolved following the coup.

Despite the Juba Peace Agreement, civilians continue to be killed and tens of thousands of people were displaced by violence in several parts of the country throughout 2021. Controversies about the disposal of the bodies of victims of ethnic violence were pressing political issues, as mass graves were discovered in Central Darfur in July, following the discovery of other mass graves in Khartoum in 2020. Hundreds of decomposed bodies were found in morgues in April 2021; some believe they are the bodies of people who disappeared during the December Revolution of 2018. In response, the National Commission for Human Rights and the public prosecutor's office both formed investigative committees.

In September and October 2021, security officials cracked down on Islamic State (IS)-affiliated cells in Khartoum, arresting militants and seizing weapons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The 2019 interim constitution commits the transitional government to upholding the human rights of all citizens without discrimination and ensuring their equal treatment under the law. The charter also calls for accountability for war crimes, crimes against humanity, and other serious violations of human rights.

Despite guarantees of equal treatment in the interim constitution and some legal improvements adopted as part of the July 2020 reforms, women continued to face disadvantages in many areas of the law, and perpetrators of widespread crimes against women—including during armed conflicts—have generally enjoyed impunity. The transitional government in April 2021 ratified the Convention on the Elimination of All Forms of Discrimination Against Women but failed to endorse provisions recognizing equality in marriage, divorce, and parenting.

Same-sex relations are illegal in Sudan, though 2020 reforms eliminated flogging and execution as potential punishments under an antisodomy law that is used to target LGBT+ people. Discrimination against LGBT+ people remains common. In 2021, the Sudanese government continued welcome refugees; the Office of the UN High Commissioner for Refugees (UNHCR) reported that the country hosted more than 1.1 million refugees as of September 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The 2019 interim constitution affirms freedom of movement and the right to travel—including overseas—for all citizens, but these rights are still impeded in practice by state security forces and other armed groups across the country, including those engaged in clashes between ethnic communities. Most of the more than 3 million IDPs in Sudan as of July 31, 2021, were concentrated in the long-standing conflict areas of Darfur, South Kordofan, and Blue Nile State.

In 2020, the transitional government abolished the need for exit permits, as well as a rule that had required women to obtain permission from a male guardian to travel abroad with children.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Weak land rights have been a chronic driver of conflict in Sudan. In a succession of opaque deals, al-Bashir's regime leased large parcels of arable land to foreign countries for export crop production. In some cases, local populations were forced from their land or had their water supplies depleted.

The 2019 interim constitution guarantees the right to own property and protects citizens from expropriation by the state without compensation. The government has stated its intention to address land-related grievances, but property seizures by security forces and communal conflicts over land rights continue to be reported.

Women are denied equal rights to property and inheritance under laws based on Sharia (Islamic law) and through discriminatory customary practices.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Although the transitional government ratified the Convention on the Elimination of All Forms of Discrimination Against Women in April 2021, it failed to endorse provisions recognizing equality in marriage, divorce, and parenting, which Sharia-based laws deny women. Among other restrictions, a Muslim woman cannot marry a non-Muslim man. Extramarital sex is prohibited, and those convicted of adultery can face flogging or the death penalty. Child marriage is not outlawed, and roughly a third of adult women were married as minors.

In 2019, the transitional government repealed the Public Order Act, which had been used in part to punish women for dress or behavior deemed indecent. However, the Strategic Initiative for Women in the Horn of Africa, an Indigenous African women's rights advocacy group, reported in September 2021 that women continued to be punished for "morality transgressions."

Sexual violence against women remains a major problem. In March 2020, the government signed a framework of cooperation with the United Nations on preventing and addressing conflict-related sexual violence. A UN report released in August 2021 claimed there were high numbers of incidents of domestic and sexual violence in households; family sexual violence against women, in informal jobs, displaced and refugee women outside of camps, children in Quranic schools, and people with disabilities; forced, arranged, and child marriages; female genital mutilation (FGM); and restricted access to financial resources and educational opportunities. In 2020, the transitional government criminalized FGM.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Bleak economic conditions, mass unemployment, and high prices for basic goods were among the root causes of the revolution that helped topple al-Bashir's regime in 2019. Prime Minister Hamdok's government voiced a commitment to reversing these trends. In 2020, the International Monetary Fund (IMF) approved a 12-month program to support the government in its efforts to eliminate large fuel subsidies, increase spending for health and social programs, increase its tax base, reduce corruption, and improve the business environment. Though the country officially met the requirements to receive debt relief under the Heavily Indebted Poor Countries Initiative (HIPC) in June 2021, international financial institutions paused assistance to the Sudanese government after the October 2021 coup, including \$500 million from the World Bank and \$150 million from the IMF.

The transitional government took early steps to clamp down on hazardous practices and working conditions in the gold-mining sector. In 2019, it announced a ban on the use of cyanide and mercury in gold extraction, following protests in mining areas in South Kordofan that resulted in a heavy-handed response from the RSF. Despite the transitional government's statements and actions regarding labor exploitation, senior military figures who hold positions in the TSC power structure profited from illicit economic activities, including mining and smuggling operations.

Migrants, refugees, asylum seekers, and IDPs remain especially vulnerable to exploitation, including by criminal networks engaged in human trafficking. Some armed groups in the country have allegedly recruited children as fighters. In August 2021, the Sudanese government launched the 2021–23 National Action Plan to Combat Human Trafficking.

Suriname

Population: 600,000

Capital: Paramaribo

Freedom Status: Free

Electoral Democracy: Yes

Overview: Suriname is a constitutional democracy that holds generally free and fair elections. However, corruption and clientelism are pervasive problems in society and in the government, undermining the rule of law.

KEY DEVELOPMENTS IN 2021

- Former president Desiré Bouterse, who was convicted in 2019 and sentenced to 20 years' imprisonment for the abduction and murder of 15 political opponents during his time as a military ruler in 1982, lost his appeal in August. Judges however had not ordered his imprisonment, as the terms of his first conviction stipulate, by the end of the year.
- In December, the security guards of Vice President Ronnie Brunswijk, a former guerilla fighter, assaulted journalist Jason Pinas and illegally seized and damaged his phone after Pinas used his device to take photos of Brunswijk. The Association of Surinamese Journalists (ASJ) called for media workers to cease reporting on Brunswijk and his advisors for at least two months. Later in December, two hand grenades were found stuck together under a car at Pinas's home.

POLITICAL RIGHTS: 34 / 40**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is chief of state and head of government and is elected to five-year terms by a two-thirds majority of the 51-seat National Assembly. If no such majority can be reached, a United People's Assembly—consisting of lawmakers from the national, regional, and local levels—convenes to choose the president by a simple majority. In July 2020, the freely elected National Assembly chose President Chandrikapersad Santokhi and Vice President Ronnie Brunswijk in accordance with the law.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 1987 constitution provides for a unicameral, 51-seat National Assembly. Representatives are elected for five-year terms via proportional representation. Observer missions from the Caribbean Community (CARICOM) and the Organization of American States (OAS) described the May 2020 elections as free and fair, despite delays in the vote count, which had fueled speculation about fraud. The OAS also noted some problems with election administration, including ballot misprints and deliveries of ballot papers to the wrong polling stations. Nonetheless, no serious concerns were raised about the announced results, and the Independent Electoral Council (OKB) certified the elections in June. The Progressive Reform Party (VHP) led all parties with 20 seats, Bouterse's National Democratic Party (NDP) followed with 16, the General Liberation and Development Party (ABOP) won 8, and three smaller parties split the remaining 7 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws generally meet international standards of fairness. However, the president appoints the members of the OKB and has the power to fire them, raising concerns about impartiality. In 2019, the National Assembly approved electoral reforms that had been proposed by the Bouterse government in late 2018, including a prohibition on electoral alliances among political parties. The head of the OKB, Jennifer Van Dijk-Silos, acknowledged significant shortcomings in the administration of the 2020 balloting.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Suriname's many political parties, which often reflect the country's ethnic cleavages, generally form and operate freely. However, fierce political competition occasionally includes acts of violence or intimidation.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has experienced multiple transfers of power between rival parties, and the opposition has a realistic opportunity to increase its support or enter government through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are generally not subject to undue coercion. However, opposition parties have raised concerns about campaign financing—which is unregulated and lacks transparency—and the resulting influence that special interest groups can have on parties and candidates. During the 2020 election campaign, the incumbent NDP was accused of engaging in clientelism by distributing food to citizens. Similar tactics, including distribution of money and funding of community projects using politicians' personal wealth, are used by multiple political parties. The Santokhi government continued to appoint family members of high-ranking officials to significant government positions; Santokhi's wife holds a post on the president's cabinet.

The period preceding the 2020 elections was characterized by intimidation of supporters of the opposition. In April 2020, assailants attempted to kidnap an opposition parliamentary candidate, Rodney Cairo, who had criticized the military's role in providing security at gold mining operations. National Security Directorate head Danielle Vieira was accused of ordering the kidnapping. No reported cases of intimidation against political opponents have occurred since Santokhi's inauguration.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

In general, parties are often formed along ethnic lines, meaning most ethnic groups have political representation. Women have historically played a limited role in politics though in 2020, 15 out of the 51 representatives elected were women—more than in the previous election. The Santokhi-Brunswijk cabinet included 6 women among its 17 ministers. The interests of Maroons, the descendants of escaped slaves, are represented by vice president Brunswijk's ABOP party. Brunswijk is the first Maroon to be vice president. Indigenous people are poorly represented in politics, and discrimination against LGBT+ people has resulted in no openly gay politicians in the country.

C. FUNCTIONING OF GOVERNMENT: 9 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The country's freely elected representatives determine laws and government policies without undue interference. The Bouterse government used its narrow parliamentary majority to avoid accountability for politically advantageous actions that appeared to exceed its legitimate authority, especially related to state finances and spending. The Santokhi administration has refrained from executive overreach.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Government corruption is pervasive. In 2017, the National Assembly adopted a new anticorruption law that was yet to be implemented as of 2021. However, the Santokhi government appointed a commission to plan its implementation and funded a special anticorruption unit within the public prosecutor's office that has begun investigating Bouterse-era graft cases. The most prominent corruption case in 2020 involved former finance minister Gillmore Hoefdraad, accused of perpetrating multiple fraud and embezzlement schemes. Hoefdraad fled just after the 2020 elections and was the subject of both a domestic arrest warrant and an Interpol detention request. The former head of Suriname's Central Bank, Robert Van Trikt, was imprisoned for fraud in the same case in February 2020 and remained in custody throughout the year.

C3. Does the government operate with openness and transparency? 3 / 4

The Santokhi government promised to improve transparency and communication with the public and has conducted somewhat regular press conferences, though the assault of journalist Jason Pinas by the bodyguards of vice president Brunswijk tempered those relations. Officials are not required to disclose information about their finances in practice, despite disclosure provisions in the 2017 anticorruption law.

Suriname does not have laws to facilitate access to public information, and access is limited in practice.

CIVIL LIBERTIES: 45 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

The constitution guarantees press freedom, and the media sector is fairly diverse. The press frequently publishes stories that are critical of the government, though some journalists engage in self-censorship in response to pressure and intimidation from authorities.

The Santokhi government has generally adopted a more open relationship with the media. However, in December 2021, the security guards of vice president Brunswijk assaulted journalist Jason Pinas and illegally seized and damaged his phone, after Pinas used his device to take photos of Brunswijk. Later that month, two activated hand grenades were found stuck together under a car at Pinas's home. Following the assault, the Association of Surinamese Journalists (ASJ) called for media workers to cease reporting on Brunswijk and his advisors for at least two months, requested that the government provide Pinas official protection, and demanded a full investigation into both incidents.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution guarantees freedom of religion, which is typically upheld in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Freedom of expression is enshrined in the constitution, and there are no formal constraints on the expression of personal views among the public. Government officials' verbal intimidation of perceived critics, which deterred open discussion of sensitive topics in recent years, declined following the 2020 election, as did the overall level of political discord.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution guarantees freedom of assembly, which is generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) function freely in Suriname.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers are free to join independent trade unions, which are actively involved in politics. There have been isolated reports of private-sector employers denying collective bargaining rights to unions.

F. RULE OF LAW: 9 / 16**F1. Is there an independent judiciary? 2 / 4**

The judiciary has enjoyed improved autonomy since the change of government in 2020. However, judicial independence is still undermined by corruption due to a lack of resources and economic pressure.

In addition, a defective air conditioning system in the courthouse as well as public health measures related to COVID-19 cause even longer delays. In civil cases, the wait for a verdict can take anywhere between several months and sometimes even years.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Obstacles to due process include a lack of capacity and resources that contributes to corruption and trial delays.

The public prosecutor's office often pursues cases selectively; for example, no investigation had been opened into Vice President Brunswijk's involvement in the assault and attempted assassination of journalist Jason Pinas by the end of the year. Low wages for police encourage bribery and extortion. Payments are sometimes made to obtain favorable outcomes in criminal and civil proceedings. There is a backlog of cases involving non-Dutch speakers, as interpreters who have gone unpaid have refused to work additional cases. Pre-trial detention, even for minor crimes, is common and can sometimes last for years.

In 2019, former president Bouterse was convicted and sentenced to 20 years' imprisonment for the abduction and murder of 15 political opponents during his time as a military ruler in 1982. Though Bouterse accepted "political responsibility" for his involvement, he long sought to disrupt legal proceedings against him. His appeal to his conviction was rejected in August 2021, however judges had not ordered his imprisonment as the terms of his first conviction stipulate.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is generally free from major threats to physical security. The use of excessive force by law enforcement officials is prohibited although incidental police violence occurs. Some cases of police abuse have been reported, including during enforcement of the lockdown imposed in response to the COVID-19 pandemic in 2020.

Temporary detention facilities are characterized by unhygienic conditions, understaffing, and overcrowding. Suriname lies on a major drug-trafficking route, giving rise to some trafficking-related violence. Several major smuggling cases were uncovered by the police in 2021.

Both former president Bouterse and current vice president Brunswijk have been convicted by Dutch courts in absentia of drug trafficking. Violent crimes such as burglary and armed robbery are common, and police resources are insufficient to address the problem. The gold mining industry, a key export sector, is plagued by organized criminal activity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 2

The constitution prohibits discrimination based on race or ethnicity. Nevertheless, Maroon and Indigenous people in the hinterland face inequality in areas such as education and employment.

Same-sex sexual relations are legal, though the age of consent differs from that applied to opposite-sex couples. Despite legal protections adopted in 2015, members of the LGBT+ community face societal discrimination, harassment, and abuse by police.

The constitution bars gender discrimination, but in practice, women experience disadvantages in access to employment and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 12

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The government generally upholds constitutional freedoms of internal movement and residence, though the lack of protections for Indigenous and Maroon lands leaves those communities vulnerable to displacement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although Suriname's constitution guarantees property rights, they are sometimes inadequately protected. Corruption can hinder private business activity, especially regarding land policy, government contracts, and licensing. Indigenous and other minority less powerful groups remain exposed to illegal land expropriation, including by illegal logging and mining operations.

Traditional land rights of Indigenous peoples and Maroons are not guaranteed by law, though a draft bill to regulate collective rights was introduced after years of parliamentary discussion in 2020; it was not decided upon in 2021. Women face inequality related to inheritance and property due to discriminatory local customs.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals are generally free of undue constraints on personal status decisions such as marriage and divorce. Despite efforts of the Santokhi-government to address it, gender-based violence remains a serious problem, and laws that criminalize it are not well enforced.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Despite government efforts to combat it, trafficking in persons remains a serious problem. Women and migrant workers are especially at risk of sexual exploitation and forced labor in various industries. Construction and mining work often do not receive adequate attention from labor inspectors.

The deteriorating economy in Venezuela has increased the vulnerability of Venezuelan women to sex trafficking in Suriname. Corruption has facilitated the criminal activities of traffickers.

Sweden

Population: 10,400,500

Capital: Stockholm

Freedom Status: Free

Electoral Democracy: Yes

Overview: Sweden is a parliamentary monarchy with free and fair elections and a strong multiparty system. Civil liberties and political rights are legally guaranteed and respected in practice, and the rule of law prevails. Recent challenges include increases in violent crime and reported hate crimes.

KEY DEVELOPMENTS IN 2021

- In June, Parliament ousted Prime Minister Stefan Löfven of the Swedish Social Democrats (SAP) in the first successful no-confidence vote in Swedish history. However, Löfven was reelected in July by a two-vote margin. He then resigned in November and SAP leader Magdalena Andersson was installed as the prime minister, the first woman to hold the post.
- Violent crime remains a concern, with authorities recording a historic high in the rate of gun violence. By October, there had been 110 shootings, in which at least 21 people were killed. In September, an explosion in a Gothenburg apartment block injured more than 20 people.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister is the head of government and is appointed by the speaker of the freely elected parliament, or Riksdag, and confirmed by the body as a whole. Prime Minister Stefan Löfven of the SAP was appointed in 2019 following parliamentary elections in 2018. In June 2021, Parliament ousted Löfven in the first successful no-confidence vote in Swedish history. However, Löfven was reelected in July by a two-vote margin. He then resigned in November and SAP leader Magdalena Andersson was installed as the prime minister, the first woman to hold the post.

King Carl XVI Gustaf, crowned in 1973, is ceremonial head of state.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral Riksdag is comprised of 349 members who are elected every four years by proportional representation. A party must receive at least 4 percent of the vote nationwide or 12 percent in an electoral district to win a seat. Swedish elections are broadly free and fair.

In the 2018 parliamentary elections, neither main bloc won a majority, with the center-left bloc winning 144 seats and the center-right bloc winning 143 seats. The populist, anti-immigrant party, Sweden Democrats (SD), won 62 seats, up from 49 previously. In 2019, after over four months without a government, the SAP formed a coalition with the Green Party, the Centre Party, and the Liberals.

A 2018 report by election monitors from the Organization for Security and Co-operation in Europe (OSCE) stated that although the integrity of the elections was not in doubt, the secrecy of the vote was sometimes compromised.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections are regulated by the Swedish Election Authority, which effectively upholds its mandates. The Election Authority is headed by a government-appointed committee. Members of the board are appointed for a specific period and are not political appointments.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties may form and operate without restriction.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Sweden has a strong multiparty system with a robust opposition. Eight political parties secured representation in the Riksdag in 2018.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by actors that are not democratically accountable.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

The range of Sweden's religious, ethnic, and immigrant groups are represented in the parliament, as are many women. There are 161 women (out of 349 members) in Parliament; however, some parties maintain more gender parity than others. Magdalena Andersson became the first woman to be prime minister in November 2021. Since 1993, the Indigenous Sami community has elected its own legislature, which has significant powers over community education and culture, and serves as an advisory body to the government. There are calls for greater political autonomy of the Sami Parliament.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Sweden's freely elected representatives develop and implement policy.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Corruption is relatively low in Sweden, and anticorruption mechanisms are generally effective. The country's lively free press also works to expose corrupt officials. Sweden's wide-reaching transparency and access to public administration information policy helps to safeguard against corruption.

C3. Does the government operate with openness and transparency? 4 / 4

The country has one of the most robust freedom of information statutes in the world, and state authorities generally respect the right of both citizens and noncitizens to access public information.

CIVIL LIBERTIES: 60 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Sweden's media are independent. Most newspapers and periodicals are privately owned, and media ownership is extremely concentrated in the hands of a small group of individuals. The government subsidizes daily newspapers regardless of their political affiliation. Public broadcasters air weekly radio and television programs in several minority languages. Threats and intimidation of journalists have been reported, particularly against those who report on organized crime, religion, extremist groups, or other sensitive topics. In a 2021 government survey, 67 percent of women journalists and 41 percent of men journalists reported experiencing online hate speech and abuse.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and generally respected, with the state recording and investigating such crimes. The police force includes a permanent unit trained to handle hate crimes. However, religiously motivated hate crimes often go unreported. The UN Universal Periodic Review of Sweden in 2020 highlighted numerous such incidents, mainly targeting at Muslims and Jews. In March 2021, the government adopted several measures to address hate crimes, including religiously motivated hate crimes.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is open and vibrant.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is generally respected in law and in practice. To tackle rising COVID-19 infections, Sweden introduced an emergency lockdown law in January 2021, which allowed the government to restrict the number of people in shops, businesses, and public places, and the previous year had banned gatherings of more than 50 people. However, most restrictions have since been removed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations of all kinds function freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The rights to strike and organize in labor unions are guaranteed. Trade union federations, which represent approximately 70 percent of the workforce, are strong and well organized.

F. RULE OF LAW: 16 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent under its constitution. Around 70 percent of the population perceives its courts to be independent. Permanent judges are appointed by the government following proposals by the Judges Proposal Board. A permanent judge cannot be dismissed other than in specific instances of corruption or other wrongdoing. Every district court, court of appeal, administrative court, and administrative court of appeal has lay judges. Lay judges are appointed at the local level and are nonpolitical, though they are appointed by political parties.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The rule of law prevails in civil and criminal matters. Defendants are presumed innocent until proven guilty, and the state must provide legal counsel to people accused of criminal offenses.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

While Sweden is free from large-scale insurgencies, rising street violence has emerged as a growing concern. Deadly shootings, arson attacks, and explosions caused by hand grenades have taken place in many Swedish cities in recent years, mainly in poor neighborhoods with large immigrant populations. By October of 2021, there had been 110 shootings, in which at least 21 people were killed. Though the government announced measures in September 2020 to reduce the violence, including granting police increased search and surveillance powers, the problem has persisted. An explosion in September 2021 in a Gothenburg apartment block injured more than 20 people. Recent statistics also show an increasing number of homicides committed using a firearm.

The government introduced new antiterrorism measures following a 2017 terrorist attack. The law focused on tighter security in public places, greater information sharing between government agencies, and tighter controls on individuals deemed to pose a security threat.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

The Swedish state works to ensure equal protection and rights for all members of the population. An equality ombudsman oversees efforts to prevent discrimination based on gender, ethnicity, disability, and sexual orientation. However, the United Nations has called for the ombudsman's powers to be strengthened and has noted problems with discrimination by police and correctional personnel.

In 2017, the Swedish government voted to place limits on parental leave benefits for immigrants. In 2016, the parliament passed a law that tightened restrictions on asylum seekers, which included limiting family reunification.

In recent years, multiple reports of members of the Sweden Democrats and other parties making antisemitic and anti-Muslim remarks have emerged. Jewish and Muslim community leaders in Sweden have claimed that the far-right is an indirect but real threat to their communities. Government data shows 7,090 offences with an identified hate crime motive in 2018—the most recent year with statistics available—of which 4,865 had a xenophobic or racist motive.

The UN's 2020 Universal Periodic Review for Sweden expressed concern over reports of police profiling of members of minority groups, as well as the lack of explicit legal provisions prohibiting organizations that promote and incite racial hatred. There are persistent accusations of structural racism within Sweden.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is legally guaranteed and generally respected in practice. However, asylum seekers may be assigned to a place of residence, and at times may be forced to change locations. Sweden continues to maintain checkpoints on its external borders that were instituted during the 2015 refugee crisis. Due to the COVID-19 pandemic, the government suspended nonessential travel to Sweden from countries outside of the European Union (EU) in 2020. The ban did not include those who held a Swedish residency permit or those who had family who are residents in Sweden. The ban has been lifted for EU countries but remains in place for most non-EU countries as of December 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The government respects the rights of individuals to own property and establish private businesses. A 2011 Supreme Court ruling granted Sami reindeer herders common-law rights to disputed lands.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Same-sex couples are legally allowed to marry and adopt; lesbian couples have the same rights to artificial insemination and in vitro fertilization as heterosexual couples. An individual can legally change their gender identity, though doing so requires a medical assessment.

There are persistently high levels of rape and sexual assault in the country. In 2018, a law was introduced changed the definition of rape to be based on consent. By 2020 rape conviction rates in Sweden had increased by 75 percent.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

People in Sweden generally enjoy equality of opportunity. However, unemployment is higher among immigrants, and particularly immigrant women, than it is among people who were born in Sweden. The United Nations has also noted that the performance gap between foreign-born and native-born children in school remains high.

Sweden is a destination and, to a lesser extent, a transit point for women and children trafficked for the purpose of sexual exploitation, but the Swedish government is proactive in combatting the problem. The government has established antitrafficking working groups and action plans at municipal levels. Nevertheless, the UN has pointed out that Sweden lacks robust methods to prevent individuals, especially unaccompanied immigrant children, from falling victim to human trafficking.

Switzerland

Population: 8,700,000

Capital: Bern

Freedom Status: Free

Electoral Democracy: Yes

Overview: The political system of Switzerland is characterized by decentralization and direct democracy. The multilingual state is typically governed by a broad coalition including members from four of the largest parliamentary parties. The 26 cantons of the Swiss Confederation have considerable decision-making power, and the public often weighs in on policy matters through referendums. Civil liberties are generally respected in the country, though laws and policies adopted in recent years have reflected a growing wariness of immigration and minority groups, which face societal and systemic discrimination.

KEY DEVELOPMENTS IN 2021

- In March, Swiss voters approved a ban on the use of full face coverings, including the burqa, in public. The federal government had argued against the initiative, calling for the issue to be addressed locally.
- In May, the Swiss government ended negotiations on a framework agreement with the European Union (EU), which would have superseded over 120 existing bilateral agreements between Bern and the bloc.
- In September, voters supported a 2020 law guaranteeing same-sex marriage and adoption rights.

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive power is exercised by the seven-member Federal Council, with each member elected by the bicameral Federal Assembly to four-year terms. The Federal Council represents a consensus-based coalition among most large parties in the Federal Assembly. The presidency is largely ceremonial and rotates annually among the Federal Council's members. Guy Parmelin of the right-wing Swiss People's Party (SVP) served in 2021. Ignazio Cassis of the Free Democratic Party of Switzerland (FDP) was selected to succeed Parmelin in December and will assume the post in 2022.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The constitution provides for a Federal Assembly with two directly elected chambers: the 46-member Council of States, in which each canton has two members and each half-canton has one, and the 200-member National Council, whose seats are apportioned among the cantons based on population. All lawmakers serve four-year terms. Switzerland's electoral process is vibrant and pluralistic, garnering high levels of confidence from the public.

The October 2019 elections presented a minor shake-up in Swiss politics. In the National Council, the SVP remained the largest party but lost ground, taking 54 seats, down from 65 in the last parliament. The Social Democratic Party (SP) won 39 seats (losing 4),

the FDP took 28 seats (losing 4), and the Christian Democratic People's Party (CVP) took 25 seats (losing 2). The biggest winners of the election were the Green Party (GPS), which won 28 seats (gaining 17), and the Green Liberal Party (GLP), which won 16 seats (gaining 9). No other party won more than 10 seats.

In the Council of States, the CVP won 13 seats, the FDP secured 12, the SP took 9, the SVP took 6, and the GPS won 5. The GPS made gains, while the SP sustained losses.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Swiss elections are free and fair, and the Election Commission, which administers them, is considered impartial.

Swiss voters took part in several referendums in 2021. In March, voters narrowly supported an SVP-backed law banning the wearing of full face coverings, including burqas, in public. The federal government had opposed the proposal, calling for the issue to be addressed locally. That same month, voters rejected a bill to introduce a digital identity system but approved a free trade agreement with Indonesia.

In June, voters approved the 2020 COVID-19 Act, which contained pandemic-related measures. They also supported a federal antiterrorism act while rejecting proposals to lower carbon dioxide emissions, ban synthetic pesticides, and address potable water and healthy food concerns.

In September, voters supported a 2020 bill that legalized marriage and adoption rights for same-sex couples. A proposal to tax capital gains was defeated.

In November, voters approved proposal to expand canton-level health-care provisions and an extension of COVID-19 measures, including financial support for companies. An initiative to determine federal judges via a lottery system was rejected.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties are free to form and operate, and a wide range of parties are active at the federal and regional levels. The political system, while stable, remains open to new groups. In January 2021, the CVP and the Conservative Democratic Party, which held three lower-house seats, merged to form the Center Party.

Party financing and lobbying are relatively opaque. The National Council did not support a party-finance transparency bill and rejected a lobbying bill in 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

While most parties govern together by common agreement in the country's consensus-based political system, they compete vigorously in elections and can gain or lose influence depending on their performance at the polls. Contentious policy issues are decided in referendums.

The seven-seat Federal Council currently comprises two members each from the FDP, the SP, and the SVP, along with one Center Party member. After the 2019 elections, the GPS, which now holds more seats than the CVP and as many as the FDP, petitioned the parliament to change the Federal Council's composition to accommodate their electoral success. The GPS lost a parliamentary vote over the issue but will likely renew their bid should they repeat their strong performance in the next election. A GPS seat was effectively denied based

on an interpretation of the “magic formula,” whereby Federal Council seats are distributed according to the approximate strength of the four largest parties in the parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by democratically unaccountable entities.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Restrictive citizenship laws and procedures tend to exclude immigrants from political participation. Noncitizens represent a quarter of the Swiss population yet cannot vote in federal elections.

The 2019 elections saw a record number of women elected to the National Council. Women represent 42.5 percent of the body but made up 50.2 percent of the Swiss population as of 2020.

People with disabilities and living under full guardianship have the automatic right to vote on local and cantonal matters in Geneva and can request the right to vote in Ticino and Vaud. However, Switzerland does not fully comply with the UN Convention on the Rights of Persons with Disabilities, which it ratified in 2014. An initiative to expand political rights for people living with disabilities launched in September 2021; supporters intend to collect signatures in 2022.

The rights of LGBT+ people are generally respected.

C. FUNCTIONING OF GOVERNMENT: 12 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Switzerland's freely elected officials determine and implement national and local policy through a decentralized governance system. The 26 cantons have significant control over economic and social policy, with the federal government's powers largely limited to foreign affairs and some economic matters. Extensively used referendums are mandatory for any federal constitutional amendments, the joining of international organizations, and major changes to federal laws.

C2. Are safeguards against official corruption strong and effective? 4 / 4

Safeguards against corruption are generally effective. Pierre Maudet, a former Geneva cantonal government head who had accepted benefits from Abu Dhabi's crown prince in 2015, was convicted of receiving an undue financial advantage in February 2021 and received a suspended sentence. In March, Maudet lost a canton-level election in Geneva.

A law to improve whistleblower protection was rejected in 2019 and again in 2020 by the National Council. The failed reform effort came in response to the Organisation for Economic Co-operation and Development (OECD) criticizing Switzerland for failing to fully implement its Anti-Bribery Convention recommendations.

C3. Does the government operate with openness and transparency? 4 / 4

The government is generally transparent in its operations. In recent years, an increasing number of cantonal governments have passed transparency laws making government data more accessible.

In its June 2021 report, the Council of Europe's Group of States against Corruption reported that Swiss authorities did not fully adopt its previous recommendations regarding legislators' financial declarations and liabilities.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is generally respected. Switzerland has an open media environment, though the state-owned, editorially independent Swiss Broadcasting Corporation (SRG/SSR) dominates the market. Consolidation of newspaper ownership in the hands of large conglomerates has forced the closure of some smaller newspapers in recent years.

In 2020, the telecommunications committee of the Council of States voted to support a revision to Article 93 of the constitution that would impose preexisting regulations on radio and television outlets to other media. Reporters Without Borders (RSF) criticized the proposal, warning it would impact the freedom of those outlets.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is constitutionally guaranteed and the penal code prohibits discrimination against any religion. However, Muslims face legal and practical discrimination. The construction of new minarets and mosques is prohibited as the result of a 2009 referendum.

In 2018, St. Gallen became the second canton to pass its own burqa ban, after Ticino in 2016. In 2020, the National Council disapproved a proposal to ban burqas. In March 2021, however, Swiss voters approved a proposal to restrict their public use nationwide.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally able to express their personal views on political issues without fear of retribution, though the law punishes public incitement to racial hatred or discrimination as well as denial of crimes against humanity.

The Federal Intelligence Service (FIS) was granted wider surveillance powers in 2017, allowing it to monitor internet usage, bug private property, and tap phone lines of suspected terrorists. A 2018 law required mobile and internet service providers to retain user data, including information on which websites users visited, for six months. Both laws faced subsequent legal challenges, although a court decision was still pending at the end of 2021.

In April 2021, the SRG/SSR reported that the FIS regularly delayed responses to requests for information from individuals; nongovernmental organization (NGO) *grundrechte.ch* warned that the FIS's slow response may discourage political discussion or activity.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is constitutionally guaranteed and is generally respected, though pandemic-related measures have sometimes affected assemblies. Swiss authorities lifted some restrictions on gatherings in March 2021 but tightened restrictions by December, as COVID-19 cases rose.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs generally operate without undue restrictions, though some groups face surveillance. In July 2021, Statewatch reported that the FIS monitored Solidarity Without Borders, which advocates for the interests of migrants and asylum seekers, along with other NGOs.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers are generally free to form trade unions and other professional organizations. The right to engage in collective bargaining and strikes is respected. However, the International Labour Organization (ILO) added Switzerland to its list of countries with weak job protection for unionized employees in 2019. While it is improper to dismiss an employee because of union membership or activity, the penalty for such behavior is seen as too low.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

While the judiciary is largely independent in practice, judges are selected based on a system of proportional party, linguistic, and regional representation in the Federal Assembly. Two Federal Supreme Court members were selected under this system in June 2021. Green and SP judges are underrepresented within the court.

Campaigners advocating for judges to be selected by a lottery collected the needed signatures for their proposal in 2019. The Federal Council rejected the proposal in 2020, and Swiss voters rejected it in November 2021.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Authorities generally observe legal safeguards against arbitrary arrest and detention. The constitution's due process clause guarantees fair trial proceedings. In 2020, however, parliamentarians approved legislation allowing police to preventively detain and surveil individuals suspected of terrorist activities. Swiss voters approved the legislation in June 2021. Amnesty International heavily criticized the law after it received voters' support, warning it could be employed against children as young as 12 years old and is vague in its definition of terrorism.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Switzerland is free from war and other major threats to physical security, though violent incidents do occur. Occasional instances of excessive force by police have been documented. Conditions in prisons and detention centers generally meet international standards, and the Swiss government permits visits by independent observers.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Although the law prohibits discrimination on the basis of race, gender, or religion, anti-immigrant attitudes have grown in recent years. A 2016 immigration law included measures meant to curb mass migration from the EU and required employers give preference to Swiss citizens in hiring practices. In 2020, voters rejected an SVP proposal to end the free movement agreement with the EU.

The rights of cultural, religious, and linguistic minorities are legally protected, but minority groups—especially Roma, Sinti, and people of African descent—face societal discrimination. The Federal Commission against Racism counted 572 cases of racial discrimination in Switzerland in 2020.

Women generally enjoy equal rights but face pay and workplace discrimination. In February 2021, the Federal Statistical Office reported that the pay gap increased from 18.1 percent in 2014 to 19 percent in 2018.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is respected, and there are no undue limitations on the ability to change one's place of residence, employment, or education. Movement within Switzerland and with other countries were limited by COVID-19 measures in 2020 and 2021. Quarantine measures were relaxed by the Federal Council in January 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The rights to own property and operate private businesses remain unrestricted.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are protected for most people. In a 2005 referendum, voters approved same-sex civil unions. Recognized since 2007, these unions granted many of the legal benefits of marriage. Limited adoption rights for same-sex civil partners were granted in 2018. Parliamentarians voted to approve same-sex marriage and allow transgender and inter-sex people to update identity documents more easily in 2020. Voters also supported same-sex marriage and adoption rights in a September 2021 referendum. The right to easily update identity documents, meanwhile, was included in the civil code and will take effect in January 2022.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The Swiss government does not fully comply with international antitrafficking standards according to the US State Department's *Trafficking in Persons Report 2021*. Swiss authorities made some efforts to support international trafficking investigations during the department's reporting period, but sentencing of convicted traffickers was considered "lenient."

In April 2021, Switzerland signed on to an ILO framework to combat forced labor, modern slavery, human trafficking, and child labor.

Labor regulations are generally enforced, but migrant workers are more vulnerable to exploitation. No nationwide minimum wage exists, though the cantons of Geneva, Jura, Neuchâtel, and Ticino do maintain minimum wages. In June 2021, voters in the half-canton of Basel-Stadt approved a minimum wage.

Syria

Population: 20,400,000

Capital: Damascus

Freedom Status: Not Free

Electoral Democracy: No

Overview: Political rights and civil liberties in Syria are severely compromised by one of the world's most repressive regimes and by other belligerent forces in an ongoing civil war. The

regime prohibits genuine political opposition and harshly suppresses freedoms of speech and assembly. Corruption, enforced disappearances, military trials, and torture are rampant in government-controlled areas. Residents of contested regions or territory held by nonstate actors are subject to additional abuses, including intense and indiscriminate combat, sieges and interruptions of humanitarian aid, and mass displacement.

KEY DEVELOPMENTS IN 2021

- In May, President Bashar al-Assad won a fourth term in a contest characterized by an uncompetitive slate of challengers, none of whom posed a serious threat to Assad's rule. The vote was further marred by a law that effectively barred exiles living abroad from participating, and ongoing insecurity. Assad won 95.1 percent of the vote, according to the government.
- The regime launched a siege against the old quarter of the city of Daraa in the summer, leading to clashes with rebel fighters. In September, the government took control of the quarter after agreeing to a cease-fire negotiated with Russian assistance.
- Syria was seriously affected by the ongoing COVID-19 pandemic, with cases rising in Aleppo and Idlib Governorates in August and September. An increase in case counts was reported nationwide by October. Government authorities reported 38,809 cases and 2,182 deaths to the World Health Organization (WHO) by year's end.

POLITICAL RIGHTS: -3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president, who dominates the executive branch, is empowered to appoint and dismiss the prime minister and cabinet. In May 2021, President Bashar al-Assad won a fourth seven-year term, with the government reporting that he won 95.1 percent of the vote. Syrians living abroad largely refrained from voting. Balloting was conducted in government-controlled areas, but not in rebel- or Kurdish-held areas.

The election was affected by an uncompetitive slate of candidates. In early May 2021, the Supreme Constitutional Court allowed only three aspiring candidates, including Assad, to contest the election. Opposition candidates were also affected by a law requiring candidates to have lived within Syria for 10 years, effectively disqualifying those in exile. Major democratic states denounced the election as illegitimate.

In June 2020, Assad dismissed Imad Khamis, who had served as prime minister since 2016, and appointed Hussein Arnous, then the water resources minister, to replace him.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Elections for the 250-seat People's Council were held in July 2020, though only in areas with a regime presence. These elections were also affected by the widespread displacement of the population. The balloting featured no meaningful competition, as exiled opposition groups did not participate, and the authorities do not tolerate independent political activity in the territory they control. The ruling Baath Party and its National Progressive Front coalition won 183 seats. The remaining 67 seats went to candidates running as independents, though all were considered government loyalists.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

There is no transparency or accountability surrounding the official electoral process. The executive authorities, acting through the military-security apparatus, effectively grant or withhold permission to participate in elections in government-held areas. Although some provisional local councils outside government-controlled areas have organized rudimentary elections since 2011, ongoing attacks by progovernment forces and militant groups have made such processes untenable.

The government and opposition groups have met with the intention of drafting a new constitution, though a UN special envoy reported that an October 2021 round of talks was unproductive.

Kurdish-held areas have a provisional constitution that allows local elections, but the Democratic Union Party (PYD) exercises ultimate control.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

A 2011 decree allowed new political parties to register but also imposed significant obstacles to party formation and prohibited parties based on religion, regional affiliation, and other criteria. In practice, all legal political groups and independents are either part of, allied with, or heavily vetted by the regime.

In Kurdish-held areas, decentralized governance theoretically allows for political competition. In practice, however, politics are dominated by the most powerful group, the PYD, whose affiliated security forces frequently detain political opponents.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The Baath Party has governed Syria without interruption since the 1960s, led by Assad or his late father for nearly all of that time. The 2011 decree and 2012 constitutional reforms formally relaxed rules regarding the participation of non-Baathist parties. In practice, the government maintains a powerful intelligence and security apparatus to monitor and punish opposition movements that could meaningfully challenge to Assad's rule.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

In its territory, the regime's security and intelligence forces, militias, and business allies actively suppress the autonomy of voters and politicians. Foreign actors including Iran, Russia, and the Lebanese Shiite militia Hezbollah also exert heavy influence over politics in regime-held areas. In other areas, civilian politics are often subordinated to Turkish-backed armed groups or the PYD.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The largely Alawite-led regime presents itself as a protector of that and other religious minorities. In practice, political access depends not on sect but on proximity and loyalty to Assad and his associates. Alawites, Christians, Druze, and members of other smaller sects who are outside Assad's inner circle are politically disenfranchised. The political elite includes members of the Sunni sect, but the country's Sunni majority makes up most of the rebel movement and has borne the brunt of state repression as a result.

The opposition's dwindling territory is divided among Turkish-backed rebels, Islamist militias, and radical jihadist militants, with varying implications for ethnic and religious minorities. The PYD nominally ensures political representation for Arabs but has been accused of mistreating non-Kurdish residents.

Women have equal formal political rights, holding 11.2 percent of the legislature's seats after the 2020 elections as well as some senior government positions. However, they are typically excluded from political decision-making and have little ability to organize independently amid state and militia repression. All leadership positions in Kurdish-held areas are reportedly shared between a man and a woman, though they have limited autonomy outside PYD-led structures.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

De facto authority in government-controlled Syria lies with the president—who is not freely elected—and his political, security, and business allies rather than with formal institutions such as the cabinet and parliament. Foreign states like Iran and Russia also wield considerable influence over regime policy. Opposition forces and Kurdish-led fighters have held large swaths of territory with the help of countries including Turkey and the United States, respectively.

C2. Are safeguards against official corruption strong and effective? 0 / 4

The regime and its allies are said to control much of the Syrian economy. The civil war has created new opportunities for corruption among the government, loyalist armed forces, and the private sector. Foreign allies have also benefited from government contracts and trade deals. Basic state services and humanitarian aid are reportedly extended or withheld based on recipients' demonstrated political loyalty to the Assad regime. COVID-19-related movement restrictions created more opportunities for corruption, as those with means paid bribes to circumvent the rules.

Individuals in government-held territory who seek to expose or criticize official corruption face reprisals including dismissal from employment and detention.

Corruption is also widespread in opposition-held areas. Turkish-backed militias have been accused of looting, extortion, and theft. Local administrators and activists complain that little of the international aid reportedly given to opposition representatives abroad seems to reach them, raising suspicions of graft.

C3. Does the government operate with openness and transparency? 0 / 4

The government has long operated with minimal transparency and public accountability, and conditions have worsened during the civil war amid the rise of militias that are nominally loyal to the regime but often free to exploit the population. Officials have broad discretion to withhold government information, and they are not obliged to disclose their assets. Independent civil society groups and media outlets are harshly suppressed and cannot influence or shed light on state policies.

The regime allegedly worked to suppress independent information about the COVID-19 pandemic in Syria when it emerged, in part by warning medical workers not to share their experiences or speak with foreign media outlets. Evidence of strains on the health-care system and an increase in burials suggested much larger numbers of cases and deaths than were reflected in official data.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

The Syrian government, Kurdish forces, Turkish-backed opposition forces, and Islamist extremist groups have all sought to alter the ethnic composition of their territories, forcing civilians of all backgrounds to seek safety among their respective religious or ethnic communities and contributing to the demographic shifts wrought by the civil war.

Sunni Arab civilians bear the brunt of attacks by the Alawite-led government and loyalist militias. In 2018, the regime forcibly transferred thousands of civilians—most of them Sunni Arabs—from captured opposition areas to Idlib Governorate after bombing and besieging them. The government targeted Idlib again when it launched offensives against rebel forces there in 2019. As many as 900,000 people were internally displaced.

In late 2019, the Turkish military launched an offensive into northeastern Syria, aiming to create a buffer zone by pushing out its Kurdish adversaries in the area. Turkish-backed militias were subsequently accused of expropriating land and homes.

Sunni Islamist and jihadist groups often persecute religious minorities and Muslims they deem impious. Kurdish militias have been accused of displacing Arab and Turkmen communities in the context of their fight against the Islamic State (IS) militant group.

CIVIL LIBERTIES: 4 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 0 / 4**

The constitution nominally guarantees freedom of the press, but in practice the media are heavily restricted in government-held areas, and journalists who report critically about the state are subject to censorship, detention, torture, and death in custody. All media must obtain permission to operate from the Interior Ministry. Private media in government-controlled territory are generally owned by figures associated with the regime. Media freedom varies in territory held by other groups, but local outlets are typically under heavy pressure to support the dominant militant faction in the area. Journalists are vulnerable to censorship or intimidation over reporting on COVID-19.

Journalists face physical danger throughout Syria, especially from regime forces and extremist groups. According to the Committee to Protect Journalists (CPJ), 139 journalists were killed between 2011 and 2021. Another 9 were missing as of December 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

While the constitution mandates that the president be a Muslim, there is no state religion, and the regime has generally allowed different confessional groups to practice their faiths as long as their religious activities are not deemed politically subversive. The government monitors mosques and controls the appointment of Muslim religious leaders. Jehovah's Witnesses are banned, proselytizing is restricted, and conversion of Muslims to other faiths is prohibited. The dominance of extremist groups in opposition-held areas of western Syria has threatened freedom of worship for local residents and displaced people.

IS, which persecuted religious activity that did not conform to its version of Sunni Islam, was militarily defeated in Syria but reportedly remains active as a terrorist and guerrilla force, and it continues to recruit from and intimidate the roughly 62,000 IS suspects and family members held in Kurdish-controlled camps in eastern Syria.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is severely restricted. University professors in government-held areas have been dismissed or imprisoned for expressing dissent, and some have been killed for supporting regime opponents. Combatants on all sides have regularly attacked or commandeered schools. Groups including the PYD—and prior to its military defeats, IS—have set up education systems in their territories that feature pervasive political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The government engages in heavy surveillance of private and online discussion and harshly punishes dissent in areas it controls. However, the government has employed its surveillance tools inconsistently in recent years amid deepening criticism from traditionally loyal segments of the population. The environment is somewhat more open in areas where neither the government nor an extremist group has a dominant presence, though the PYD and some opposition factions have allegedly suppressed freedom of speech. During the COVID-19 pandemic in 2020, the regime closely monitored medical staff and warned them against speaking about the outbreak or the government's response.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly is severely restricted across Syria. Opposition protests in government-held areas have been met with gunfire, mass arrests, and torture of those detained. Jihadist groups, the PYD, and some rebel factions have also used force to quash civilian dissent and demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The regime generally denies registration to nongovernmental organizations (NGOs) with reformist or human rights missions and regularly conducts raids and searches to detain civic and political activists. A variety of grassroots civil society networks emerged in many parts of Syria following the 2011 uprising, monitoring human rights abuses. However, such activists face violence, intimidation, and detention by armed groups and must operate secretly in many cases. NGOs that sought to provide aid during the COVID-19 pandemic attracted the suspicion of regime intelligence agencies, deterring more widespread or open activism.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Professional syndicates in state-held areas are controlled by the Baath Party, and all labor unions must belong to the General Federation of Trade Unions, a nominally independent grouping that the government uses to control union activity. The war's economic and political pressures have made functioning labor relations virtually impossible across the country.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The constitution forbids government interference in the civil judiciary, but judges and prosecutors are essentially required to belong to the Baath Party and are in practice beholden to the political leadership.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Military officers can try civilians in both conventional military courts and field courts, which lack due process guarantees. Civilians may appeal military court decisions to the military chamber of the Court of Cassation, though its judges are ultimately subordinate to the military. Extremist groups have set up religious courts in their territories, imposing harsh punishments for perceived religious offenses by civilians. The general breakdown of state authority and the proliferation of militias in much of the country has led to arbitrary detentions, summary justice, and extrajudicial penalties by all sides in the civil war.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

An estimated 500,000 people have been killed in the civil war since 2011. While the fighting subsided following the defeat of IS in 2019 and the 2020 Idlib cease-fire, the regime and insurgent groups frequently target civilians, including through indiscriminate bombardment, extrajudicial killings, and torture of detainees, with the government responsible for most abuses. Regime forces have detained and tortured tens of thousands of people since the war began, and many have died in custody or disappeared.

The regime has been accused of repeatedly using chemical weapons on civilian targets, including during its 2019–20 offensives into Idlib Governorate. Those offensives had killed hundreds of people and displaced hundreds of thousands by the time a cease-fire was declared.

Despite a nominal regime victory in Daraa Governorate in 2018, as well as a Russian-brokered reconciliation agreement, violence involving regime forces and local insurgents continued into 2021. The regime launched a siege against Daraa al-Balad, the old quarter of the city of Daraa, in June. Regime and rebel forces engaged in heavy fighting there beginning in July. In September, the government took control of Daraa al-Balad after agreeing to a deal negotiated with Russian assistance. Some 36,000 were internally displaced by the fighting as of September. A general deterioration of the rule of law has also reportedly contributed to violent criminality in the area.

Although IS lost control of its last population center in 2019, the group has since resorted to guerrilla and terrorist tactics to attack security forces and local civilian leaders. Separately, Turkish military operations in northern Syria have displaced tens of thousands of people and posed a serious threat to civilians living in the affected area.

Internally displaced persons (IDPs) are at risk of violence. In September 2021, Save the Children reported on incidents where children in the al-Hol and Roj camps were murdered or sexually assaulted.

Capital punishment can be applied expansively. In October 2021, the regime executed 24 people it claimed were responsible for wildfires in 2020, accusing them of terrorism.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Families and networks with ties to the ruling elite receive preferential treatment in legal matters, and are disproportionately Alawite, though Alawites without such connections are far less likely to benefit from any special advantages. Similarly, the armed opposition is overwhelmingly Sunni Arab, and members of this group are consequently likely to face discrimination by the state unless they enjoy close ties with the regime.

The Kurdish minority has faced decades of state discrimination, including restrictions on the Kurdish language and persecution of Kurdish activists, though conditions for Kurds have improved dramatically in areas controlled by Kurdish militias since 2011.

Women are subject to legal and societal inequities, including gender-based disadvantages in social benefits and a severe gender gap in labor force participation. Official mechanisms meant to safeguard women's rights are reportedly not functional, and the general deterioration of law and order has left women exposed to a range of abuses, particularly at the hands of extremist groups that impose their own interpretations of religious law.

Syrian law discriminates against LGBT+ people. According to the 1949 penal code, "unnatural sexual intercourse" is punishable with up to three years in prison. Individuals suspected of same-sex relations are at risk of execution in areas held by extremist groups.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Ongoing combat and the proliferation of regime and militia checkpoints have severely restricted freedom of movement. The regime imposed curfews and other constraints on travel in response to the COVID-19 pandemic in 2020, though enforcement was uneven due to bribery and other factors. Movement restrictions persisted during 2021. In April, the PYD imposed a lockdown within the territory under its control, in an effort to limit the spread of COVID-19 during Ramadan.

The Office of the UN High Commissioner for Refugees reported that 6.7 million IDPs were present in Syria in December 2021. Another 5.5 million Syrians have sought refuge abroad. Some Syrians have begun returning to their homes in areas where fighting has subsided, though the 2019 government offensive in Idlib and the 2021 clashes in Daraa displaced large numbers of residents.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

Property rights have been routinely disregarded throughout the civil war. Businesses are frequently required to bribe officials to operate and complete bureaucratic procedures. Access to markets dominated by regime members or allies is restricted. Militias also extort businesses and confiscate private property to varying degrees.

Law No. 10 of 2018 allows the state to designate areas for reconstruction and redevelopment by decree; individuals who cannot meet a number of criteria to prove ownership of affected property risk losing it without compensation.

Personal status laws based on Sharia (Islamic law) discriminate against women on inheritance matters, and societal practices further discourage land ownership by women.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Perpetrators of "honor crimes" can receive reduced sentences under the penal code, and rapists can avoid punishment by marrying their victims. Women cannot pass citizenship on to their children. Personal status laws for Muslims put women at a disadvantage regarding marriage, divorce, and child custody. Church law governs personal status issues for Christians, in some cases barring divorce. Early and forced marriages are a problem, with displaced families in particular marrying off young daughters as a perceived safeguard against endemic sexual violence or due to economic pressure. Personal social freedoms for women are uneven in areas outside government control, ranging from onerous codes of dress and behavior in extremist-held areas to formal equality under the PYD in Kurdish areas. However, the defeat of IS, setbacks for other extremist groups, and a decline in the

scale of fighting over time has reduced the population's exposure to the most egregious violations of personal social freedoms.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Many armed groups forcibly conscript or use child soldiers. Displaced people are especially vulnerable to labor exploitation and human trafficking, even in relatively stable government-controlled areas, as access to employment and investment is often dependent on personal, political, or communal affiliations. Working conditions were also worsened by the regime's mismanagement of the COVID-19 pandemic.

Taiwan

Population: 23,500,000

Capital: Taipei

Freedom Status: Free

Electoral Democracy: Yes

Overview: Taiwan's vibrant and competitive democratic system has allowed three peaceful transfers of power between rival parties since 2000, and protections for civil liberties are generally robust. Ongoing concerns include inadequate safeguards against the exploitation of foreign migrant workers, and the Chinese government's efforts to influence policymaking, the media, and democratic infrastructure in Taiwan.

KEY DEVELOPMENTS IN 2021

- In the second year of her second term as president, Tsai Ing-wen and her Democratic Progressive Party (DPP) government faced increased pressure from Chinese authorities regarding the island's status, disinformation on social media platforms, and pro-Beijing influence operations targeting Taiwanese media.
- Despite a rise in COVID-19 cases and deaths beginning in May, the government's approach to the pandemic continued to be viewed as one of the world's most successful, and case numbers remained relatively low. While local authorities and factory owners in some areas were criticized for discriminatory treatment of migrant workers in response to the outbreak, the national government was largely able to contain the virus without having to adopt lengthy and severe domestic restrictions, focusing instead on contact tracing, quarantines for overseas travelers, and providing accurate and timely information to the public. A successful vaccination campaign was carried out during the second half of the year.

POLITICAL RIGHTS: 38 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who is directly elected for up to two four-year terms, appoints the premier with the consent of the legislature. The Executive Yuan, or cabinet, is made up of ministers appointed by the president on the recommendation of the premier. In practice, the president holds most executive authority.

Presidential elections have generally been considered credible. In January 2020, President Tsai won a second term in office with 57.1 percent of the vote, defeating Han Kuo-yu of the conservative Kuomintang (KMT), with 38.6 percent, and James Soong of the center-right People First Party, with 4.3 percent. The campaign period featured online disinformation and influence operations that were attributed to the Chinese government, with negative or misleading content targeting Tsai, the DPP, and the democratic process. However, the Taiwanese government, civil society projects, and social media platforms worked to detect and counter the disinformation, which largely failed to shape the election's outcome.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral Legislative Yuan has 113 members elected to four-year terms; 73 are directly elected in single-member constituencies, 34 are elected by proportional representation, and 6 are elected by Indigenous voters in two multiseat constituencies. In the January 2020 elections, the DPP secured 61 seats, the KMT won 38, the Taiwan People's Party won 5, the New Power Party won 3, and the Taiwan Statebuilding Party took 1 seat, with the remainder going to independent candidates. The elections were considered free and fair by international observers.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections in Taiwan are administered by the Central Election Commission (CEC). The law mandates that no political party may hold more than one-third of the seats on the CEC, and it operates impartially in practice.

The 2018 Referendum Act lowered thresholds to permit citizen-initiated ballot measures and decreased the voting age for referendums from 20 to 18 years.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The multiparty political system features vigorous competition between the two major parties, the DPP and KMT. Smaller parties are also able to function without interference and have played a significant role in both presidential and legislative contests. Taipei mayor Ko Wen-je formed the new Taiwan People's Party in 2019, and it won 5 seats in the legislature in 2020. The Taiwan Statebuilding Party was also new to the legislature that year.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been regular democratic transfers of power between rival parties in recent years, and parties in opposition at the national level often control key municipal governments.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Major business owners with interests in China remain an influential force in Taiwanese politics, largely through their close relationship with the KMT and support for its China-friendly policies. The KMT, which governed Taiwan as an authoritarian, one-party state for decades until democratic reforms took hold in the 1980s and 90s, long enjoyed a considerable financial advantage over rivals like the DPP, which has traditionally placed a

stronger emphasis on resisting Beijing's moves toward unification. However, the KMT's advantage has been whittled away in recent years by DPP government investigations into allegations that the KMT improperly acquired public assets during its rule, leading to the freezing of many of its accounts.

Chinese interference in Taiwan's elections, largely through disinformation campaigns and influence over certain media outlets, remains a serious concern. In late 2019, the legislature passed a new Anti-Infiltration Act that prohibits foreign powers from funding or directing lobbying efforts, election campaigns, or election-related disinformation in Taiwan. Violations can draw penalties of up to five years in prison. The KMT opposed the measure, warning that it could be used in a politicized manner and violate fundamental rights, though there were no reports of abusive enforcement as of 2021. Beijing's efforts to undermine public confidence in the political system and to heighten social divisions in Taiwan intensified during the year, with disinformation campaigns focused on the government's handling of the pandemic in particular.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Taiwan's constitution grants all citizens the right to vote. This guarantee applies regardless of gender, ethnicity, religion, sexual orientation, or gender identity. The constitution and electoral laws also provide quotas for women's representation in local councils and at-large seats in the Legislative Yuan. In addition to the presidency, women won 42 percent of the legislature's seats in the 2020 elections. Audrey Tang, who became Taiwan's first transgender cabinet member in 2016, remained a minister in Tsai's government in 2021.

Six seats in the Legislative Yuan are reserved for Indigenous candidates elected by Indigenous voters. An additional two Indigenous candidates won seats in 2016 through normal party-list voting, but none did so in 2020. Members of Taiwan's 16 Indigenous groups make up roughly 2 percent of the population.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials in Taiwan are able to set and implement policy without undue interference from foreign or other unelected actors, though consideration of China plays a significant role in Taiwanese policymaking.

Escalating pressure from Beijing continues to threaten Taiwan's sovereignty and its open democratic system. Eight countries have severed diplomatic relations with Taiwan since late 2016, largely as a result of financial incentives offered by the Chinese government. At the end of 2021, Taiwan had diplomatic recognition from just 14 countries, including the Holy See.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption is significantly less pervasive than in the past, but it remains a concern. According to a 2020 survey by Transparency International, 90 percent of people in Taiwan think corruption in government is a problem, and 17 percent of public service users had paid a bribe over a 12-month period. Political and business interests are closely intertwined, leading to malfeasance in government procurement. The current DPP-led government has moved to reduce these practices, including through amendments to the Government Procurement Act that were adopted in 2019.

Corruption charges have been brought against current and former officials from multiple parties in recent years. In 2020, four incumbent lawmakers—two from the KMT, one

from the DPP, and one independent—and a former legislator from the New Power Party were charged with taking bribes from business magnate Lee Heng-lung, former chairman of Pacific Distribution Investment Co.

C3. Does the government operate with openness and transparency? 4 / 4

The 2005 Freedom of Government Information Law enables public access to information held by government agencies, including financial audit reports and documents about administrative guidance. Civil society groups are typically able to comment on and influence pending policies and legislation. In recent years, the open digital platform vTaiwan has gained acceptance among policymakers as a means for the general public to debate and contribute to legislative proposals.

The government's management of the COVID-19 pandemic continued to be widely recognized for its transparency and reliance on scientific data and expertise, as opposed to opaque political or economic interests. Despite a rise in cases that began in May 2021, public trust in the government's efforts contributed to participation in its vaccination drive later in the year.

CIVIL LIBERTIES: 56 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The news media are generally free, reflecting a diversity of views and reporting aggressively on government policies, though many outlets display strong party affiliation in their coverage.

The Chinese Communist Party (CCP) continues to exert influence on Taiwanese media. Key media owners have significant business interests in China or rely on advertising by Chinese companies, leaving them vulnerable to pressure and prone to self-censorship on topics considered sensitive by Beijing. The National Communications Commission (NCC) has at times blocked the expansion of such media enterprises to ensure competition and pluralism, and it has fined television news channels for airing false reports. In 2020, after repeated warnings and fines issued over several years, the NCC decided not to renew the broadcast license of the pro-Beijing television channel CTi News. The outlet—one of several owned by business magnate Tsai Eng-meng's Want Want Holdings conglomerate, which has strong ties to China—went off the air after courts upheld the decision. Reporters Without Borders (RSF) issued a statement to defend the NCC's move, saying it was not contrary to press freedom.

Under Taiwan's libel laws, those who disseminate a fact that will "injure the reputation of another" can face criminal prosecution, with sentences of up to two years in prison or a fine. The risk of criminal libel charges or demands for compensation could inhibit journalists in their reporting, even if courts ultimately rule in their favor. In March 2021, prosecutors dropped a case against the *Financial Times* and other outlets after the Want Want China Times Media Group withdrew its complaints, which pertained to a 2019 report alleging that the group received regular orders from the Chinese government about its news coverage.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Individuals of all faiths can worship freely. Religious organizations that choose to register with the government receive tax-exempt status.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Educators in Taiwan can generally write and lecture without interference, and past practices—including prosecutions—aimed at restricting academics' political activism have been rare in recent years. However, some university professors have alleged pressure from administrators to curb speech that could offend Chinese students.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Personal expression and private discussion are largely free of improper restrictions, and the government is not known to illegally monitor online communication. However, the government faces the growing challenge of combating online disinformation emanating from China while upholding freedom of expression. Human rights experts have recommended improvements to laws meant to combat false information, which contain vague terms that have the potential to limit legitimate speech. Such laws are enforced against social media users, though most cases do not lead to convictions, and those found guilty are typically ordered to pay small fines.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

The 1988 Assembly and Parade Act enables authorities to prosecute protesters who fail to obtain a permit or follow orders to disperse, and includes some restrictions on the location of protests, but freedom of assembly is largely respected in practice. During 2021, demonstrations were held by workers calling on the government to raise the minimum wage and repair a deficit-ridden pension program, by migrant workers' groups demanding legislation to protect migrant home-care workers, and by civil society organizations condemning local governments and businesses for imposing discriminatory movement restrictions on migrant workers in response to a COVID-19 outbreak.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

All civic organizations must register with the government, though registration is freely granted. Nongovernmental organizations typically operate without harassment or undue interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Trade unions are independent, and most workers enjoy freedom of association, though the government strictly regulates the right to strike. Among other barriers, teachers, workers in the defense industry, and government employees are prohibited from striking.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

Taiwan's judiciary is independent. Court rulings are generally free from political or other improper interference.

In 2020, the legislature adopted the Citizen Judges Act, which will move the country toward a Japan-style system in which professional judges are joined by lay judges from the general public when overseeing trials for serious criminal offenses. Critics of the system continued to call for the introduction of jury trials instead, arguing that juries provide stronger protections against judicial corruption or politicization.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Constitutional guarantees concerning due process and defendants' rights are generally upheld, and police largely respect safeguards against arbitrary detention. Although prosecutors and other law enforcement officials have engaged in abusive practices in the past, particularly in prominent and politically fraught cases, such violations have been less common in recent years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Both criminal violence and excessive use of force by police are rare, and attorneys are allowed to monitor interrogations to prevent torture.

The frequency of capital punishment has remained low in recent years, with a total of three people put to death since 2016, and none in 2021. All of those executed were found guilty of murder or other offenses resulting in death, such as arson. Condemned inmates are hooded and sedated before being shot.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution provides for the equality of all citizens before the law, although Indigenous people continue to face social and economic discrimination, leading to high unemployment, lower wages, and barriers to education and social services. The 2017 Indigenous Languages Development Act designated the languages spoken by 16 officially recognized Indigenous groups as national languages of Taiwan, and authorized their formal use in legislative and legal affairs.

The constitution guarantees women equal rights, though women continue to face discrimination in employment and compensation. Taiwanese law prohibits discrimination in employment and education based on sexual orientation, and violence against LGBT+ people is adequately addressed by police.

Taiwan's National Human Rights Commission was officially launched in 2020, with a mandate to receive complaints on issues including discrimination, investigate violations, review laws and policies, and work with other entities to promote human rights protections.

Taiwanese law does not allow for asylum or refugee status. The government has worked to provide temporary visas and humanitarian services to tens of thousands of people fleeing persecution in Hong Kong, but it has reportedly been more restrictive in granting requests for permanent residency.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Taiwan's residents enjoy freedom of movement, and Taiwanese authorities have gradually eased restrictions on travel between Taiwan and China in recent years. However, despite laws and guidelines meant to protect them, some categories of foreign migrant workers routinely experience illegitimate restrictions on their movement, such as the withholding of travel documents by employers.

While travel and movement constraints enacted by the government in response to the COVID-19 pandemic have generally been regarded as legitimate public health measures, some rules have been applied in a manner that discriminates against foreigners. After case clusters in the spring of 2021 particularly affected migrant workers living in factory

dormitories in Miaoli County, local officials ordered all such workers to stay indoors except to go to work. Certain employers also ordered migrant workers who were living in private accommodations to move back into factory dormitories. Although most of these policies were formally in place for less than a month, some workers reported being subject to movement restrictions for several months.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although property rights are generally respected, urban renewal and industrial projects have been criticized for unfairly displacing residents. Housing advocates have called for legal amendments to clarify residency rights, including protections against forced eviction, and the establishment of an appeals system to review alleged violations.

Indigenous groups argue that recent government efforts to recognize their claims to ancestral lands are inadequate, as the project applies only to state-owned land, excluding large segments of territory that are privately owned.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

There are no major restrictions on personal status matters such as marriage and divorce, although people from China who are married to Taiwanese nationals must wait six years before becoming eligible for citizenship, whereas spouses of other nationalities are only required to wait four years. Same-sex marriages have been legal in Taiwan since 2019.

Rape and domestic violence remain serious problems. While the law permits authorities to investigate complaints without victims pressing charges, cultural norms inhibit many women from reporting these crimes to the police. Recent reforms have improved protections for accusers and encouraged reporting of rape and sexual assault, which appears to have increased prosecution and conviction rates.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Protections against exploitative working conditions in Taiwan are relatively strong overall, and civil society groups actively expose abuses and advocate for policy improvements. Certain amendments to the Labour Standards Act in 2018 were considered a setback, however, as they allowed employers to require 12 consecutive days of work with breaks of only eight hours between shifts, up from the previous limit of seven consecutive workdays and breaks of 11 hours between shifts.

Many of Taiwan's roughly 715,000 foreign migrant workers are mistreated or exploited by employers in practice, despite 2018 amendments to the Employment Services Act that require employment agencies to swiftly report abuses against migrant workers or face severe fines. The Labor Standards Act notably does cover foreign domestic workers or fishery workers, and there have been widespread accounts of such individuals being subjected to unpaid wages, long working hours, physical and sexual abuse, lack of food or medical care, denial of sleep, substandard safety equipment, poor living conditions, and extortion or fraud by recruitment and brokerage agencies. They are frequently found to be indebted to complex brokerage networks. Abuses are particularly prevalent in Taiwan's fleet of hundreds of long-range fishing vessels, whose remote operations make monitoring and enforcement of basic labor rules difficult. In another form of mistreatment, for-profit universities have reportedly recruited foreign students—especially from Indonesia—and then placed them into exploitative labor conditions under the pretense of educational opportunity.

Tajikistan

Population: 9,700,000

Capital: Dushanbe

Freedom Status: Not Free

Electoral Democracy: No

Overview: The authoritarian regime of President Emomali Rahmon, who has ruled since 1992, severely restricts political rights and civil liberties. The political opposition and independent media have been devastated by a sustained campaign of repression, and the government exerts tight control over religious expression and activity. Wealth and authority are concentrated in the hands of Rahmon and his family.

KEY DEVELOPMENTS IN 2021

- Tajikistani authorities attempted to close the border with Afghanistan after its elected government fell in August but allowed refugees to cross in small numbers. Some 15,000 refugees reportedly resided within Tajikistan as of October.
- Tajikistani and Kyrgyzstani forces fought along the border over two days in April before a cease-fire was declared. Tajikistani authorities reported 19 deaths and 87 injuries from the fighting.

POLITICAL RIGHTS: 0 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president is chief of state and is elected for up to two seven-year terms under current rules, but constitutional amendments ratified in 2016 removed term limits for President Rahmon, who holds the official status of “leader of the nation.”

A presidential election due in November 2020 was held in October. Rahmon of the ruling People’s Democratic Party of Tajikistan (PDPT) won a fifth term with 90.9 percent of the vote according to the Central Commission for Elections and Referendums (CCER). Four candidates from progovernment parties won a combined 7.8 percent, while the Social Democratic Party of Tajikistan (SDPT) boycotted the contest.

The European Council called the election orderly but noted that previous Organization for Security and Co-operation in Europe (OSCE) recommendations on the media and political environment remained unfulfilled. While independent media outlets were largely unable to observe polling stations, Radio Free Europe/Radio Liberty (RFE/RL) reported incidents of apparent ballot stuffing and of voters submitting ballots on behalf of family members.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The bicameral Supreme Assembly is composed of an upper house, the National Assembly, and a lower house, the Assembly of Representatives. The National Assembly comprises 25 members chosen by local assemblies and 8 appointed by the president; former presidents are also entitled to a seat. The 63-member Assembly of Representatives is popularly elected through a mixed system of 41 single-member constituencies and 22 proportional-representation seats. Supreme Assembly members serve five-year terms.

In the March 2020 legislative elections, the PDPT won 47 lower-house seats, while pro-government parties divided the remainder. The SDPT did not exceed the 5 percent threshold for representation according to the CCER. OSCE monitors reported that the elections did not meet democratic standards. Media outlet Asia-Plus reported that officials offered multiple ballots to reporters claiming to represent relatives.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The CCER is subservient to the government and enforces electoral laws in an inconsistent and nontransparent manner. Despite reforms ahead of the 2015 elections, constituencies vary considerably in population, undermining equal suffrage.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The government consistently marginalizes independent or opposition parties, which are excluded from the political process. The Islamic Renaissance Party of Tajikistan (IRPT)—which had been the country’s most significant opposition group—lost its legal registration and was declared a terrorist organization in 2015. The 2016 constitutional amendments banned faith-based parties, effectively preventing the IRPT from reforming. The National Alliance of Tajikistan, a Europe-based refugee opposition coalition, was declared a terrorist organization in 2019.

The authorities continued to harass and arrest current and former IRPT members, their families, and other opponents during 2021. In January, SDPT official Mahmurod Odinaev received a 14-year prison term on hooliganism and extremism charges. His son, Shaikhmuslihidin Rizoiev, was convicted of hooliganism and attempted rape and received a six-year term in February. In June, former IRPT member Mirzo Hojimuhammad was sentenced to five years in prison for his membership, though his family stated he had given up political activism years before.

Tajikistani activists are targeted on a transnational basis; at least 15 have disappeared while living in Russia or have been extradited from there since 2015. Relatives of deceased or imprisoned opposition figures are also targeted at home and abroad. In August 2021, authorities in Russia arrested Barakatullo Ghoziev at Dushanbe’s request; his father, Said Qyomiddin Ghozi, was a popular imam and opposition figure who was kidnapped from Russia in 2017 and died in a prison riot in 2019. Ghoziev faces extradition to Tajikistan and a possible 25-year prison term on charges of high treason and religious hatred.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Tajikistan has no record of peaceful transfers of power between rival parties. Rahmon first became chief executive in 1992, during the country’s 1992–97 civil war, and has held the presidency since the office’s creation in 1994. Under 2016 constitutional revisions, he is entitled to run for reelection indefinitely; can overrule cabinet decisions even after leaving office; and has set up his son, Rustam Emomali, to succeed him. Emomali was named National Assembly chairman that year, placing him second in the presidential line of succession.

Years of unrelenting repression of independent political activity have left opposition parties unable to compete in elections. Many IRPT members and their relatives were beaten,

harassed, and imprisoned before the 2015 elections, with some reportedly tortured in custody or killed in prison.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Political affairs in Tajikistan are controlled almost exclusively by Rahmon and his extended family, leaving citizens with few avenues to participate in the political process. Relatives of Rahmon hold numerous public positions and control key sectors of the private economy.

Dushanbe increasingly relies on the Chinese government for external security. In October 2021, RFE/RL reported on the existence of a Chinese-operated base near the Tajikistan-Afghanistan border. Later that month, RFE/RL reported that Dushanbe offered Beijing full ownership of that base while authorizing the construction of another Chinese-operated border facility.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

No segment of the population enjoys full political rights or electoral opportunities in practice. The regime, which seeks to suppress any genuine dissent, does not permit women, minorities, or religious groups to organize independently to advance their political interests. Women remain underrepresented as voters and as elected politicians.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

President Rahmon, who is not freely elected, and his inner circle are virtually unopposed in determining and implementing policy and have strengthened their grip on power. The PDPT-controlled legislature does not offer a meaningful check on the executive's expansive constitutional authority. Officials from Rahmon's native Kulob District dominate the government.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Patronage networks and regional affiliations are central to political life. Corruption is pervasive and anticorruption legislation is routinely ignored. Major irregularities have been reported at the National Bank of Tajikistan and the country's largest industrial firm, the state-owned Tajik Aluminum Company.

C3. Does the government operate with openness and transparency? 0 / 4

Government decision-making and budgetary processes lack transparency, and public officials are not required to disclose financial information. Crackdowns on the media, the opposition, and civil society have further reduced independent scrutiny of state operations. In recent years, the government has concluded extensive infrastructure and resource-extraction agreements with Beijing and Chinese companies, with little consultation or transparency.

CIVIL LIBERTIES: 8 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 1 / 16

D1. Are there free and independent media? 0 / 4

The government controls most printing presses, newsprint supplies, and broadcasting facilities, and denies independent media access to these resources. The state shuts out independent

outlets and encourages self-censorship. Independent journalists face harassment and intimidation. Civil libel charges have been used to cripple outlets that criticize the government. Authorities routinely block critical websites, news portals, and social media platforms, while using periodic wholesale blackouts of internet and messaging services to suppress criticism.

In January 2021, authorities ordered bloggers to register with tax authorities, a demand that observers noted could stifle the few remaining independent voices. In May, Reporters Without Borders (RSF) reported that the Television and Radio Committee (KTR) was imposing “draconian” conditions on broadcast license renewals; the KTR required broadcasters to share their proposed output, increased the cost of licenses, and demanded 1 percent of broadcasters’ profits.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The government imposes severe restrictions on religious freedom, in part by limiting religious activities to state-approved venues and registered organizations. Authorities continue to prosecute individuals for alleged membership in banned religious organizations, including Christian and Muslim groups. Minors are generally barred from attending religious services in mosques, as are women in most cases.

Laws to discourage religious clothing (like the hijab) as well as an unofficial ban on beards for men are arbitrarily enforced. A government-published “guidebook” details recommended dress for women that excludes the hijab and similar garments in favor of “traditional” or “national” alternatives. The government has pressured students to adhere to these dress codes, establishing roadblocks in some areas to search for violators.

In April 2021, Abdulhaq Obidov, a Dushanbe imam, was arrested on suspicion of adhering to Salafism, which is banned in Tajikistan. Obidov, who had eulogized a fellow cleric as “one of the great leaders of the country” before his arrest, was released in June but was stripped of his duties.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

The government exerts significant political pressure on universities and academic personnel. In recent years, international scholars have noted the self-exile of Tajikistani academics who faced harassment and surveillance from security services, scrutiny of scholars who cooperate with foreign colleagues, and pressures to self-censor. Opportunities to study abroad, especially for religious education, are tightly restricted.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Restrictive laws and government surveillance serve as deterrents to open discussion of sensitive topics, including criticism of the country’s leadership. A 2017 law allows authorities to monitor citizens’ online behavior and prescribes fines and prison sentences for those who visit “undesirable websites,” among other provisions. An antiextremism law amended in 2020 allows the government to block websites without a court order. The dissemination of COVID-19-related news deemed false was also criminalized in 2020.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

The government strictly limits freedom of assembly. Local government approval is required to hold demonstrations but is rarely granted.

In November 2021, protesters nevertheless rallied in Khorog, the capital of the autonomous region of Gorno-Badakhshan, after police killed local resident Gulbidin Ziyobekov; officials claimed that Ziyobekov fired on police before he was killed. Two protesters died when security officers fired into a crowd of demonstrators. The protests ended after several days, with officials vowing to investigate Ziyobekov's death. In December, however, a state television program portrayed Ziyobekov as a vigilante. An internet blackout in the region persisted for weeks.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Nongovernmental organizations (NGOs) must register with the Justice Ministry and are vulnerable to closure for minor technical violations. NGOs must disclose funding from foreign sources. Foreign funds must be logged in a state registry before organizations can access them, and the government oversees operations supported by those funds. Under legislation implemented in 2019, NGOs must maintain their own websites and publish reports that comply with vaguely worded financial reporting to prove they have no "terrorist financing" or "money laundering" links.

In March 2021, human rights defender Izzat Amon was stripped of his Russian citizenship and deported to Tajikistan at Dushanbe's request. In October, Amon was convicted of fraud and received a nine-year prison term.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Citizens have the legal right to form and join trade unions and to bargain collectively, but these rights and the right to strike are effectively undermined by restrictions on freedoms of assembly and association. There are no laws against antiunion discrimination by employers, and the country's trade union federation is government-controlled.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary lacks independence. Many judges are poorly trained and inexperienced, and bribery is widespread. The 2016 constitutional amendments abolished the Council of Justice, transferring the authority for most judicial nomination and oversight functions to the Supreme Court. However, these powers remain under executive control in practice. The courts' opaque and biased adjudication of cases against opposition figures and other dissidents, particularly since 2015, has demonstrated their subordination to the regime.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Arbitrary arrests and detentions are common, as is corruption among law enforcement agencies. Defendants are often denied timely access to an attorney, and politically fraught trials are frequently closed to the public. Nearly all defendants are found guilty.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Civilians are subject to physical abuse by security forces and have no meaningful recourse against such abuse. Detainees are reportedly beaten in custody to extract confessions. In June 2021, three police officers were convicted of torturing an individual who confessed to murder in 2017 and was later released after the actual offender was found.

Tajikistani and Kyrgyzstani forces engaged in fighting during 2021. Forces from both countries clashed along the border over two days in April before a cease-fire was declared;

Tajikistani authorities reported 19 deaths and 87 injuries from the fighting. Other officers and soldiers were killed along the border in the following months.

Overcrowding and disease contribute to life-threatening conditions in prisons.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women face bias and disparate treatment in the workplace. LGBT+ people face discrimination and abuse by security forces. There is no legislation against discrimination based on sexual orientation or gender identity.

Dushanbe attempted to seal the Tajikistan-Afghanistan border after the elected Afghan government fell in August 2021, though women and children entered in small numbers. In mid-October, a government official reported that 15,000 refugees were present in Tajikistan.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Most citizens can travel domestically but must register their permanent residence with local authorities. Students interested in studying Islamic theology are forbidden from seeking education abroad. Some areas, particularly Gorno-Badakhshan and other areas bordering Afghanistan, feature a heavier security presence, which hampers travel and provides opportunities for extortion and other abuses.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

By law, all land belongs to the state. Corruption and regulatory dysfunction affect enterprises of varying sizes. The president's extended family and others from Kulob District maintain extensive business interests and dominate key economic sectors, impeding business activity by those without such connections.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Although forced marriage and polygamy are legally prohibited, marriages arranged by parents and religious marriages that allow polygamy are both common in practice. Because of local interpretations of Sharia (Islamic law), women are often unable to exercise their rights to divorce. Domestic violence is widespread, but cases are underreported and seldom investigated adequately.

Women reportedly face societal pressure to wear headscarves. Meanwhile, in addition to restricting hijabs for women and beards for men, the government interferes more broadly in matters of personal appearance. A 2018 guidebook outlined acceptable and unacceptable styles of dress for women, barring clothing that could be deemed immodest or "foreign" in origin.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Safeguards against forms of labor exploitation and hazardous working conditions are poorly enforced. Economic conditions have compelled citizens to seek work abroad in large numbers; these migrant workers are at risk of exploitation by human traffickers.

According to the US State Department's *Trafficking in Persons 2021* report, authorities work to combat human trafficking by prosecuting traffickers and supporting survivors via a state-run shelter, among other activities. However, government officials suspected of involvement in trafficking are not investigated.

Tanzania

Population: 62,100,000

Capital: Dodoma

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Tanzania has held regular multiparty elections since its transition from a one-party state in the early 1990s, but the opposition remains relatively weak. The ruling Chama cha Mapinduzi (CCM) has retained power for over 60 years. Since the election of late president John Magufuli in 2015, the government has cracked down with growing severity on its critics in the political opposition, the press, and civil society. Samia Suluhu Hassan, Magufuli's vice president, became the country's first ever female chief executive after Magufuli died in 2021.

KEY DEVELOPMENTS IN 2021

- President Magufuli's death was announced on March 17 by his successor, then vice president Hassan. Opposition leaders and a Kenyan newspaper reported that Magufuli contracted COVID-19 and sought treatment in Kenya; however, the government initially denied reports that Magufuli was ill and later blamed his death on heart disease.
- The Hassan administration continued to target and restrict media outlets during the year, despite lifting a ban on media outlets in April. In August, the government suspended the CCM-owned *Uhuru* newspaper for reporting that Hassan may not seek a full term in 2025. In September, weekly publication *Raia Mwema* was suspended for 30 days for reporting purportedly false news.
- In July, Freeman Mbowe, the chairman of the opposition Chama cha Demokrasia na Maendeleo (Chadema), was arrested ahead of a speech on constitutional reform and was charged with terrorism. Mbowe, whose lawyer claimed that he was tortured after his arrest, remained in custody at year's end.

POLITICAL RIGHTS: 12 / 40

A. ELECTORAL PROCESS: 3 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president is elected by direct popular vote for up to two five-year terms. In the event of the president's death, the vice president assumes the post and completes their predecessor's term. Samia Suluhu Hassan, vice president since 2015, became president in March 2021 after Magufuli died.

The late president won the October 2020 presidential election with 84.5 percent of the vote in a contest that was markedly less free and fair than the 2015 election, which he had won with 58 percent. The 2020 election was marred by widespread fraud and vote-rigging; threats of violence against opposition figures; the use of force by police against participants at opposition rallies; the suspension of media outlets and social media; the obstruction and dispersal of opposition candidate Tundu Lissu's rallies, and other irregularities. International and local observers were denied accreditation, as were many international media outlets. Turnout was just 50 percent, down from 67 percent in the previous poll.

Opposition parties rejected the results and called for protests. Soon after, opposition figures involved in organizing planned demonstrations were arrested, and a widespread protest movement never emerged. Lissu fled to Belgium in November 2020 with assistance from several European governments and the United States.

The semiautonomous region of Zanzibar elects its own president, who serves no more than two five-year terms. The 2020 Zanzibar presidential poll, held concurrently with the October general elections, was also marred in controversy. The Zanzibar Electoral Commission (ZEC) announced that CCM candidate Hussein Mwinyi defeated Alliance for Change and Transparency (ACT-Wazalendo) candidate Seif Sharif Hamad, taking 76.3 percent to Hamad's 19.9 percent. The ACT-Wazalendo rejected the results. Before the polls opened, the regime mobilized the army to Zanzibar, and Hamad was detained by the police. The army and police were accused of firing into a crowd days before the election, killing several people; members of the crowd were reportedly attempting to stop the delivery of ballots suspected to be fraudulent. Hamad was detained on his way to an early voting location and was held during the election period.

Reports of further detentions emerged after the election, with killings and torture of detainees reported. Some opposition politicians and activists were detained indefinitely and others were released severely injured from torture. That November, the ACT-Wazalendo agreed to form a unity government in Zanzibar, with Hamad becoming vice president. The development prompted co-optation accusations.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Legislative authority lies with a unicameral, 393-seat National Assembly (the Bunge) whose members serve five-year terms. There are 264 seats filled through direct elections in single-member constituencies, while 113 are reserved for women elected by political parties, 10 are filled by presidential appointment, and 5 members are elected by the Zanzibar legislature. The attorney general holds an ex officio seat.

Unlike the 2015 poll, the 2020 legislative election was marred by extensive fraud and intimidation allegations. Widespread interference in nomination processes, both bureaucratic and physical, led to around 30 opposition candidates being denied a spot on the ballot. Numerous legislative and local government candidates were detained during the campaign period, including high-profile Chadema lawmakers Godbless Lema and Halima Mdee. On election day, opposition politicians complained of election interference and fraud; 97 percent of the directly elected seats went to the CCM, which substantially increased its majority.

The opposition was granted a small number of women's special seats in line with their share of the vote. Initially, Chadema refused to take those seats. However, a group of 19 female Chadema legislators defected, were seated in the legislature, and were then formally expelled from the party. Several of these women took their seats upon being released from police custody, prompting speculation of coercion.

Members of Zanzibar's 85-seat House of Representatives serve five-year terms and are installed through a mix of direct elections and appointments. The 2015 legislative elections were annulled along with the concurrent Zanzibari presidential vote, and an opposition boycott of the 2016 rerun left the CCM with full control of the regional legislature. The 2020 legislative elections in Zanzibar were also marred by allegations of fraud.

The CCM was believed to have won control of most of Tanzania's approximately 200 local authorities in 2020. Opposition parties previously controlled a significant minority of local governments, including almost all urban councils.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The National Electoral Commission (NEC) is responsible for overseeing countrywide elections, while the ZEC conducts elections for Zanzibar's governing institutions.

The structures of both bodies contribute to doubts about their independence. The NEC is appointed by the Tanzanian president. Magufuli's appointment of a former CCM candidate as NEC director in 2019 was criticized by the Chadema and ACT-Wazalendo leaders. The NEC was criticized for poor administration of voter registration processes ahead of the 2020 elections, and it oversaw the rejection of dozens of legislative and local candidates on technicalities. That October, the NEC ordered the suspension of Lissu's presidential campaign for a week, saying he had used incendiary language. Opposition parties accused the NEC of complicity in widespread ballot stuffing and use of "ghost voters" to increase CCM vote shares. The NEC did not release the full results of local government or legislative elections in 2020.

Opposition parties and nongovernmental organizations (NGOs) have called for constitutional reform, saying the current constitution favors the ruling CCM. In May 2021, Chadema vowed to boycott the 2025 presidential election without a new constitution. In separate remarks in June, however, President Hassan and a high-ranking CCM official both said constitutional reform was not an immediate priority. In August, the NEC proposed a set of electoral reforms to Hassan at an event boycotted by opposition parties.

The ZEC is appointed by the Zanzibari president, though the opposition nominates two of the seven members. In 2018, then president Ali Mohamed Shein appointed seven new members to the commission. While some observers approved of Shein's choices, others accused the new members of being CCM partisans. ACT-Wazalendo presidential candidate Hamad accused the ZEC of failing to register over 100,000 young voters who reached voting age between 2015 and 2020.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Tanzanians have the right to organize into political parties, but the ruling CCM enjoys considerable incumbency advantages that stifle competition. The system of state funding for parties under the Political Parties Act (PPA) of 2015 disproportionately benefits the CCM. Political parties are regulated by a presidentially appointed registrar whom the opposition criticizes for partisan bias.

Authorities have stepped up efforts to constrain opposition parties in recent years. In 2016, the government banned all political rallies and demonstrations outside election periods, sharply curtailing parties' ability to mobilize public support. In 2019, the CCM government passed PPA amendments that further eroded the rights of opposition groups. The amendments included empowering a government minister to regulate party coalition formation, a ban on internationally sourced political fundraising, a rule prohibiting parties from engaging in "activism," and the introduction of tools that the registrar can use to investigate and interfere with the internal operations of targeted parties. The amendments also gave the registrar legal immunity, further reducing that office's accountability.

The Hassan administration targeted opposition activities since taking power. In July 2021, Chadema chairman Freeman Mbowe and at least 10 other Chadema members were arrested before Mbowe was to give a speech on constitutional reform. Mbowe was charged with terrorism later that month and remained in custody at year's end. In

September, police arrested nine Chadema members ahead of a planned meeting on constitutional reform. In October, Chadema claimed that the head of its Council of Elders, Hashimu Issa Juma, was held by police; police later confirmed that Juma was detained on charges including sedition.

The CCM has achieved growing success in its efforts to co-opt opposition politicians, which critics have attributed to bribery, coercion, and other inducements. A group of female Chadema members defected to take special parliamentary seats after the 2020 elections. Several were released from jail, where they faced politicized charges, in order to be sworn in.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The CCM has governed without interruption for over 60 years. The opposition's electoral prospects are limited due to interference, harassment, co-optation, deadly violence against activists, and criminal prosecutions. Opposition candidates posted their best-ever electoral performance in the 2015 legislative elections, winning 45 percent of the vote, but secured only 29 percent of the National Assembly's seats. The political space for opposition parties narrowed further during the 2020 election, with severe repression leaving little opportunity to win support or gain power. Despite the accession of a new president in March 2021, there has been no improvement in opposition prospects.

Opposition parties are hindered by poor relations. ACT-Wazalendo leader Zitto Kabwe struck a conciliatory tone with President Hassan at a cross-party conference, requesting she use "all legal channels" to release Mbowe in December 2021. Chadema rejected Kabwe's comments as "begging," saying his request was akin to an apology on behalf of Mbowe.

Chadema lawmaker Tundu Lissu, who traveled abroad to recover after a 2017 attempted assassination, returned to Tanzania to stand as Chadema's presidential candidate in 2020. Lissu fled for Belgium after the polls and remained in exile as of the end of 2021. Lissu had also been named as a defendant in a 2016 sedition case against three journalists, though the director of public prosecutions said he would not pursue those charges in September 2021.

CCM efforts to convince or coerce opposition politicians to defect to government benches escalated significantly in 2020. Opposition politicians including Ester Bulaya and Halima Mdee agreed to cooperate with the government as independent politicians in parliament, breaking with Chadema. ACT-Wazalendo leader Kabwe agreed that his party would form a unity government in Zanzibar.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Tanzanian voters and politicians are subject to significant undue influence from unaccountable entities using antidemocratic tactics. During his tenure, Magufuli exerted pressure through local administrative authorities, particularly presidentially appointed regional and district commissioners. These officials are technically nonpartisan, but most are CCM loyalists or former security personnel. They have significant power within their jurisdictions and have been especially repressive when overseeing opposition-oriented areas. President Hassan appointed new regional commissioners in May 2021 and new district commissioners in June. Some appointees came from opposition groups or were nonpartisan, though hard-liners maintained some posts.

Civil servants in opposition-controlled councils are under significant pressure to follow directives from CCM officials, rather than elected opposition politicians. The government has sought to remove elected municipal leaders, and arbitrarily threatened

and barred the movements and activities of critical NGOs and human rights advocates. The 2019 local elections, which the opposition boycotted due to widespread candidate disqualifications, were notably managed by the government ministry that also supervises regional and district commissioners.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Members of ethnic, religious, and other minority groups ostensibly have full political rights, but the participation of some groups is limited in practice. Magufuli, a member of the Sukuma ethnic group, often appointed fellow Sukuma to government positions during his tenure. This represented a departure from predecessors who balanced ethnic and religious groups. The Magufuli-era imbalance that favored the Sukuma remains to a lesser extent under President Hassan.

Women hold 36.8 percent of legislative seats as of March 2021; the constitution requires that 30 percent of seats are held by women. However, women are underrepresented in directly elected seats, which are consistently won by male candidates. Women who run for office face mistreatment; during the 2020 campaign, Chadema candidate Catherine Ruge was arrested, stripped, and beaten by police as she stood for election in the male-dominated Serengeti constituency.

Hassan, who became Tanzania's first female president after Magufuli's death, appointed Stergomena Tax as its first defense minister in September 2021. However, misogynistic discourse and behavior has persisted. In June, CCM legislator Condester Sichalwe was ordered to leave the chamber after a male colleague criticized her clothing. In August, Hassan made public comments denigrating the appearance of female athletes. In October, Catherine Ruge criticized the arrest of female Chadema supporters while they were jogging.

LGBT+ people, who face the risk of arrest and harsh discrimination, cannot openly advance their political interests.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Magufuli consolidated political power in the presidency, sidelining the legislature—in part by suppressing dissent within the ruling party—and exerting greater control over cabinet ministers through dismissals and reshuffles. The CCM government actively manages the activities of legislators and has threatened those who are frequently absent. Bills are sometimes passed using “certificates of urgency,” which speeds the legislative process.

President Hassan and pro-Magufuli legislators clashed over COVID-19 policy during 2021. Three CCM legislators who openly dissented from Hassan's policies were censured in September.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a problem in Tanzania, and reform efforts have yielded mixed results. The Prevention and Combating of Corruption Bureau (PCCB) has been accused of focusing on low-level corruption and doing little to address graft committed by senior officials.

In recent years, several scandals have exposed higher-level corruption. In 2020, nine senior PCCB staff and 22 senior officials at the Tanzanian Revenue Authority were suspended for major corruption in two separate incidents. In March 2021, the Tanzanian Ports Authority's director general was arrested for embezzlement.

Public funds are mismanaged; recent audits have revealed that funds were misappropriated or unaccounted for. In April 2021, the auditor general's office reported significant financial irregularities at local government authorities. The office also reported losses in publicly owned Air Tanzania, despite officials claiming it was profitable during the Magufuli administration.

C3. Does the government operate with openness and transparency? 1 / 4

A weak access to information act was adopted in 2016. The law imposes prison terms on officials who improperly release information but assigns no clear penalties for those who improperly withhold information. The Statistics Act was amended in 2019 to remove criminal liability for publishing information that conflicts with the National Bureau of Statistics, but the government generally continued to resist transparency efforts and punish journalists and civil society groups that attempted to expose official wrongdoing. Live broadcasts of parliamentary sessions have been suspended in recent years.

The government has also been opaque about the COVID-19 pandemic, especially under Magufuli. Magufuli declared that the coronavirus was "defeated" in 2020, and suspended the head of the country's testing laboratory after questioning the accuracy of tests. Authorities stopped publishing figures of COVID-19 infections and deaths in April 2020. The government more openly endorsed COVID-19 mitigation measures after Magufuli's death. It began releasing statistics on deaths and infections in June 2021, though these figures are considered underestimates.

The government was not transparent about President Magufuli's health. Officials, including then vice president Hassan, denied rumors that he was severely ill in early 2021. Opposition leaders, however, claimed that Magufuli had contracted COVID-19 and sought treatment in Kenya. Then vice president Hassan announced Magufuli's death on March 17, blaming heart disease. Kenyan press accounts contradicted the government's announcement, with the *Daily Nation* reporting that Magufuli was sent to Nairobi for treatment before being returned to Tanzania and dying on March 11.

Before the pandemic, the government was suspected of manipulating economic statistics. In 2019, Tanzania was accused of blocking the publication of an International Monetary Fund report that criticized "unpredictable" economic policies, a claim that was denied by a government spokesman.

CIVIL LIBERTIES: 22 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

Independent journalists and media outlets are subject to harsh repression in Tanzania. The 2016 Media Services Act grants the government broad authority over media content and the licensing of outlets and journalists. It also prescribes severe penalties, including prison terms, for publication of defamatory, seditious, or other illegal content.

Sustained legal and regulatory pressure on journalists and the expression of other public figures has contributed to self-censorship and other suppression of news coverage. In a December 2021 report, the University of Dar es Salaam cited government pressure as a factor in the media sector's pro-CCM bias during the 2020 elections. The government also threatened to arrest journalists who reported on Magufuli's health in early 2021.

There was initial hope that President Hassan would open the media environment. In April 2021, she ordered that a ban on media outlets be lifted. However, the government subsequently continued to target journalists and outlets. In August, it suspended *Uhuru* for

14 days, after it reported that Hassan may not seek a new term in 2025. In September, the government suspended *Raia Mwema* for 30 days for publishing news deemed false. That same month, political cartoonist Oppertus John Fwema was arrested after posting a cartoon critical of President Hassan to Instagram.

The 2018 Electronic and Postal Communications (Online Content) Regulations require bloggers and owners of online discussion platforms and streaming services to pay more than \$900 in annual registration fees.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally respected and interfaith relations are largely peaceful, though periodic sectarian violence has occurred. Muslims are believed to be a minority nationwide, but almost all Zanzibaris practice Islam. Political tensions between mainland Tanzania and Zanzibar often play out along religious lines. The government occasionally raises the specter of interreligious conflict as an excuse to detain political rivals, contributing to a general sense that Muslims are sometimes treated unfairly by authorities.

Religious services were not restricted in Tanzania during the COVID-19 pandemic. Religious leaders resisted Magufuli's COVID-19 denialism during his rule, and actively opposed COVID-19 and vaccine skepticism after his death.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom in Tanzania was harmed by the passage of the 2015 Statistics Act. This law requires data released publicly to be first approved by the National Bureau of Statistics and prescribes fines, a minimum of three years in prison, or both for anyone who disputes official government figures. The law was amended in 2019 to remove criminal liability for publishing independent data, though it was unclear whether the change would strengthen academic freedom in practice. Tanzanian academics engage in self-censorship, though scholars sometimes release reports critical of the government.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The government historically monitored the population through a neighborhood-level CCM cell structure and has policed personal expression on social media in recent years. Under laws including the 2015 Cybercrimes Act and the 2018 Electronic and Postal Communications (Online Content) Regulations, social media users have been prosecuted for offenses such as insulting the president. Vague prohibitions on communication that “causes annoyance” or “leads to public disorder” have confused users as to what constitutes a violation and empowered authorities to suppress unfavorable speech at their discretion. The Electronic and Postal Communications (Online Content) Regulations 2020 prohibits “spreading rumors” or insulting the nation online. In early 2021, several citizens were arrested for commenting on President Magufuli's illness and death online.

Under Magufuli, the Tanzanian government consulted with Hacking Team—a firm that provides electronic surveillance capacity—and signed cybersecurity collaboration agreements with the South Korean and Israeli governments. In 2019, recordings of CCM leaders criticizing Magufuli were publicly leaked in an apparent attempt to demonstrate pervasive surveillance and encourage self-censorship. Magufuli admitted in 2019 to monitoring the digital communications of some ministers. In 2020, the Tanzanian authorities reportedly used Twitter copyright rules to force regime critics off the service,

which serves as one of the last remaining uncensored spaces for domestic discussion of Tanzanian politics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

The constitution guarantees freedom of assembly, but the government limits this right through legal mechanisms, restrictions on social media platforms used to organize, and outright violence. Organizers must notify the police 48 hours in advance of any demonstration, and police have broad discretion to prohibit gatherings that could threaten public safety or public order. A ban on political rallies has been in place since mid-2016. The 2019 amendments to the PPA further restricted public assembly, in part by broadening the scope of activities that are deemed “political.”

In 2021, the government used heavy-handed tactics to disperse and prevent meetings related to constitutional reform. In July, police surrounded the Mwanza hotel where the opposition planned to hold a forum before arresting Freeman Mbowe. In August, police arrested Chadema members who protested Mbowe’s July arrest. In September, police in the town of Musoma arrested nine Chadema members who were organizing another event on the constitution.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Tanzania has a diverse and active civil society sector, but NGOs are subject to laws that give the government broad authority to deregister them. Human rights organizations and activists been subject to restrictions, deregistration, legal harassment, and unlawful arrests. NGOs are prohibited from filing public-interest litigation. NGOs are also subject to onerous financial reporting requirements. In September 2021, President Hassan called on NGOs to reduce their dependence on foreign funding while speaking at a national conference.

In 2020, the Tanzania Human Rights Defenders Coalition and the Legal and Human Rights Centre (LHRC) were threatened with deregistration and banned from election-related activities they had overseen in previous elections. Human rights lawyer and LHRC employee Tito Magoti and information technology specialist Theodory Giyani were arrested in 2019 and arraigned on spurious money laundering and cybercrimes charges. Magoti was released in January 2021 but was ordered to pay fines.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Trade unions are nominally independent of the government and are coordinated by the Trade Union Congress of Tanzania and the Zanzibar Trade Union Congress. The Tanzania Federation of Cooperatives represents most of Tanzania’s agricultural sector. The government has significant discretion to deny union registration, and many private employers engage in antiunion activities. Essential public-sector workers are barred from striking, and other workers are restricted by complex notification and mediation requirements. Strikes are infrequent on both the mainland and Zanzibar.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Tanzania’s judiciary is underfunded. Judges are political appointees, and the judiciary does not have an independent budget, making it vulnerable to political pressure. The results of such pressure are particularly evident in cases involving opposition figures and government critics, as well as legal changes that suppress free and fair competition and protect the

regime from prosecution. Politicized courts have enforced laws that attack human rights and are selectively invoked to keep the government in power. Lower-level courts are especially affected by political influence and corruption. Under a 2020 Court of Appeal ruling, the government can hold suspects without bail for several offenses including money laundering—a charge commonly levied against political opponents.

In June 2021, the High Court in Dar es Salaam ordered that several Chadema members, including Mbowe, should be reimbursed for fines related to 2018 convictions that the court overturned.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process guarantees are not well upheld in civil and criminal matters. Policies and rules governing arrest and pretrial detention are often ignored, and pretrial detention commonly lasts for years due to case backlogs and inadequate funding for prosecutors. Legal activists have been known to suffer repercussions for seeking justice through courts. Arbitrary and often violent arrests of opposition politicians, journalists, and civil society leaders are commonplace.

Security offices and militia members engaged in violence against opposition activists and civilians in Zanzibar after being deployed during the 2020 election but have not faced justice since.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Reports of abuse and torture of suspects in police custody are common, and police have been accused of extrajudicial killings and other violence in recent years. In August 2021, a lawyer representing Chadema leader Mbowe told a court that Mbowe was tortured while in custody. In October, Chadema activist Mdude Nyangali disclosed that he was subjected to torture.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women's rights are constitutionally guaranteed but not uniformly protected. Women face de facto discrimination in employment, including sexual harassment, which is rarely addressed through formal legal channels. Women's socioeconomic disadvantages are more pronounced in rural areas and in the informal economy.

Same-sex sexual relations are punishable by lengthy prison terms, and LGBT+ people face discrimination and police abuse, leading most to hide aspects of their identities. Men who are suspected of same-sex sexual activity have been arrested and forced to undergo anal examinations.

Nearly 126,000 Burundian refugees resided in Tanzania as of December 2021, while 150,000 resided there in late 2020. Burundian refugees have been forcibly repatriated; in 2020, Human Rights Watch (HRW) reported that Burundian and Tanzanian authorities collaborated to identify Burundian political opponents and those discouraging repatriation, and found that refugees were tortured and forcibly returned to Burundi in violation of international law. In April 2021, the United Nations reported that Burundian refugees and asylum seekers feared abduction by Tanzanian authorities.

Pastoralist ethnic groups do not enjoy equal treatment, particularly when it comes to land disputes. These groups often live near lucrative national parks, and the government has engaged in heavy-handed treatment of those who refuse to comply with government directives to move. In 2018, opposition leader Zitto Kabwe reported that around 100 people had

died in clashes between local officials and pastoralists in Kigoma Region. In February 2021, the Livestock and Fisheries Ministry said it would work with local and regional authorities to demarcate grazing lands nationwide.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Residents enjoy some basic freedoms pertaining to travel and changes of residence, employment, and education. The government has wide discretion in enforcing laws that can limit movement, particularly in Zanzibar, where the approval of local government appointees is often required for changes in employment, personal banking, and residency. Separately, the authorities in recent years have arbitrarily arrested and deported some Kenyans, many of whom had been granted Tanzanian citizenship. The government imposes travel restrictions on activists, human rights researchers, opposition figures, and other prominent individuals. Opposition politicians who were under threat of violence struggled to leave Tanzania after the 2020 election.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Tanzanians have the right to establish private businesses but are often required to pay bribes to license and operate them. The state owns all land and leases it to individuals and private entities, leading to clashes over land rights between citizens and companies engaged in extractive industries. These laws have been used to expropriate the resources and lands of wealthy opposition politicians, including Freeman Mbowe's holdings in Hai and Dar es Salaam. President Hassan has sought to reassure domestic and international investors that the government would take a less active role in the economy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Rape, domestic violence, and female genital mutilation (FGM) are common but rarely prosecuted. An escalating pattern of rapes in which the attackers break into women's homes has been reported in recent years in western Tanzania. In September 2021, Tanzanian police opened an investigation into claims that several officers sexually harassed and raped nightclub patrons.

Laws and practices regarding marriage, divorce, and other personal status issues favor men over women, particularly in Zanzibar. Tanzania's adolescent fertility rate is more than twice the global average.

The government restricts access to family planning services. In 2019, the government encouraged women to help increase the country's birth rate and spur the economy. In 2017, the government prohibited those who had given birth from returning to school. The Hassan administration overturned this ban in a nonbinding decision in November 2021.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Sexual and labor exploitation remain problems, especially for children living in poor rural areas who are drawn into domestic service, agricultural labor, mining, and other activities. Child labor in gold mines, where working conditions are often dangerous, is common.

Most Tanzanians do not benefit from the country's extensive natural-resource wealth. Tanzania has one of the highest levels of income inequality in the world, and the poverty rate remains high.

Thailand

Population: 66,700,000

Capital: Bangkok

Freedom Status: Not Free

Electoral Democracy: No

Overview: Following five years of military dictatorship, Thailand transitioned to a military-dominated, semielected government in 2019. The combination of democratic deterioration and frustrations over the role of the monarchy in Thailand's governance has since triggered massive demonstrations. In response, the regime continues to employ authoritarian tactics, including arbitrary arrests, intimidation, lèse-majesté charges, and harassment of activists. Press freedom is constrained, due process is not guaranteed, and there is impunity for crimes committed against activists.

KEY DEVELOPMENTS IN 2021

- Regular antigovernment protests were held beginning in June, with participants motivated by the ongoing COVID-19 crisis, calls to reform the government and monarchy, and economic difficulties. While most demonstrators were peaceful, a group known as Taluh Gas (Shattering Tear-gas) regularly clashed with Bangkok police in August. A teenager who was shot during an August incident in Bangkok died of his injuries in October.
- In November, the Constitutional Court ruled that activists who called for reform of the monarchy had effectively called for its overthrow, ruling their behavior unconstitutional. The court ordered no penalty against the activists, though it did order protest groups to cease related activity.
- In January, legislators amended the penal code to decriminalize abortions performed within the first trimester. The updated code took effect in February.
- In January, former civil servant Anchan Preeert received an effective 43-and-a-half-year prison term for lèse-majesté, after recording audio clips deemed defamatory of the monarchy. The sentence was the longest ever issued for a crime of lèse-majesté.

POLITICAL RIGHTS: 5 / 40

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Thailand is a constitutional monarchy ruled by King Maha Vajiralongkorn, who serves as head of state. Although the monarchy has limited formal power, the king is highly influential in Thai politics, and has significant clout over the military.

The constitution, which was developed by a committee appointed by the military's National Council for Peace and Order (NCPO), was approved in a tightly controlled 2016 referendum. According to the charter, the prime minister is selected by a majority vote of the combined 500-seat elected House of Representatives and the 250-seat Senate, whose members are entirely appointed by the military.

The promilitary Palang Pracharat Party (PPP), which won only 115 lower-house seats in the 2019 elections, nominated incumbent prime minister Prayuth Chan-ocha to again serve in that position. In 2014, as army chief, Prayuth staged a coup against the democratically elected government and designated himself prime minister. Prayuth retained his

post in 2019 through the support of a promilitary bloc in the lower house and votes from 249 appointed senators.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Under the military-drafted constitution, the bicameral National Assembly consists of the 250-seat Senate, whose members are appointed to five-year terms by the military, and the 500-seat House of Representatives.

Under a constitutional amendment that received legislative approval in September 2021, 400 lower-house members will be directly elected to four-year terms in single-seat constituencies by simple majority vote in future elections. Another 100 members will be elected in one nationwide constituency via party-list proportional representation.

In 2019, after almost five years of postponements, a House of Representatives election was contested by 77 political parties, most of which fell into promilitary or antimilitary camps. The campaign period was marred by political repression, media censorship, unequal media access, and a lack of independent and impartial oversight from the Election Commission of Thailand (ECT).

The results were tainted by irregularities, with ballots “lost” and initial vote tallies changed. Additionally, the formula for distributing party seats was altered after the election to reduce seats won by opposition parties and redistribute them to military-aligned parties. This resulted in the redistribution of sufficient seats to grant promilitary parties a supermajority.

Only one international election monitoring body, the Asian Network for Free Elections (ANFREL), was permitted to observe the election. Two domestic organizations, P-Net and We Watch, were also granted permission, but all three experienced severely restricted access to the polls and voting procedures. We Watch determined that the process was not free and fair.

In December 2020, Thailand held its first provincial elections since the 2014 coup; candidates associated with locally dominant groups fared well, while those linked to the reform movement made few gains. Municipal elections were held in March 2021, while subdistrict contests were held in November. ANFREL called the subdistrict elections smooth but noted the occurrence of vote-buying.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The 2017 constitution was designed to weaken political parties and elected officials while strengthening unelected institutions. Citizens cast only one ballot in the 2019 elections rather than separate constituency and party-list ballots, as in previous elections; by design, that system made it difficult for large parties to win a majority.

The constitutional amendment supported by legislators in September 2021 will restore a two-ballot system. Later that month, however, Thai Pakdee Party leader Warong Dechgitvigrom challenged it, saying the new system would impact smaller parties. Legislators were in the process of updating two existing pieces of legislation to align with the constitutional amendment at year’s end.

All 250 senators were appointed by the military in 2019. The prime minister is selected through a combined vote of both houses, granting the unelected Senate a powerful role in the selection process.

The 2019 elections were overseen by the ECT, whose members were entirely appointed by the junta. Throughout the electoral process, the ECT was criticized by the public and civil

society for its lack of independence and willingness to intervene on behalf of the military and promilitary parties. For instance, the ECT's postelection change of the seat distribution formula reassigned seats won by the opposition Future Forward Party (FFP) and Pheu Thai Party (PTP) to small military-aligned parties, all of which subsequently voted with the PPP and the Senate to retain Prayuth as prime minister.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

From 2014 to 2018, Thailand's military government effectively banned political parties from meeting and conducting activities. In late 2018, the NCPO lifted many restrictions on political parties, allowing them to hold meetings, recruit members, select candidates, and meet with the public. A slew of parties from across the political spectrum began organizing and campaigning in preparation for the 2019 elections, though those opposed to military rule experienced official harassment.

In 2019, after the FFP's success in that year's elections, party leader Thanathorn Juangroongruangkit was charged with crimes including sedition for allegedly "assisting" democracy activists after a 2015 protest. He was subsequently suspended by the Constitutional Court from taking his seat over a complaint that he had held shares in a media company while applying to serve in the legislature. In February 2020, the FFP was abolished following a Constitutional Court ruling that a loan it received from Thanathorn constituted an illegal donation.

Opposition parties aligned with exiled former prime minister Thaksin Shinawatra have also suffered government attack. The military-drafted constitution imposes rules designed to weaken existing large parties like the PTP, which led the pre-2014 government. To circumvent these limitations, PTP leaders established like-minded parties, including Thai Raksa Chart (TRC), to better compete in the 2019 elections. However, after TRC nominated Princess Ubolratana—the monarch's older sister—as its prime ministerial candidate, the party was dissolved by the Constitutional Court and its candidates were disqualified. In October 2021, a PPP member accused Thaksin of maintaining illegal influence over the PTP and asked the EC to disband it.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The junta's ban on activities of political parties, including those opposed to military rule, was lifted in 2018, and numerous parties competed in the 2019 elections. However, constitutional restraints greatly limited the ability of opposition parties to effectively campaign or gain significant political power through elections.

While parties opposed to military rule, most prominently the PTP and the FFP, won a combined 245 lower-house seats, they were unable to advance legislation due to the military's continued control over the chamber. The 2020 dissolution of the FFP, whose 80 seats made it the third-largest force in the House of Representatives, was accompanied by a 10-year ban on political participation for 16 party leaders, including Thanathorn and 10 other elected representatives. Following the ruling, the FFP's 55 remaining representatives joined a small political party and rebranded as the Move Forward Party.

In September 2021, the National Assembly passed an amendment reducing the number of lower-house party-list seats from 150 to 100, increasing the threshold needed to win them and making it more difficult for smaller opposition parties to win representation.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

While Thai citizens were able to vote in 2019, the resulting government did not reflect election results due to a rigged outcome enabled by the military-drafted constitution. The cabinet is stacked with former members of the military, leaders of the 2014 coup, and ministerial holdovers from the junta, including Prime Minister Prayuth.

The 2019 polls were also subject to repeated interventions by the monarchy, which exerts tremendous influence over Thai politics. For instance, the Constitutional Court's dissolution order targeting TRC came soon after King Maha Vajiralongkorn made a televised announcement condemning his sister Princess Ubolratana's prime ministerial bid as "extremely inappropriate." On the eve of the 2019 election, King Vajiralongkorn released an unprecedented statement urging citizens to vote for "good people" to prevent "chaos," a message widely understood as a royal endorsement of promilitary parties.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

In 2019, some political rights denied to the population during military rule were restored with the election of a semicivilian government. Nevertheless, members of minority groups, particularly ethnic minorities and stateless residents, are generally unable to choose their representatives or organize independently to assert their interests in the political sphere. Malay Muslims in southern Thailand remain politically marginalized.

Migrant workers, mostly from neighboring Myanmar, Cambodia, and Laos, were believed to number 4.9 million as of 2019, though many left Thailand amid the COVID-19-related economic slowdown. Migrant workers lack political rights and a path to citizenship.

Women are underrepresented in government at all levels, composing only 15.8 percent of the House of Representatives and 10.5 percent of the Senate. Few women hold leadership roles in political parties. Women's interests are generally not prioritized in political life, although recent antigovernment protests included demands for greater attention to such issues.

The interests of LGBT+ people are increasingly represented in national politics. The cabinet approved draft legislation that would give same-sex unions many of the benefits given in heterosexual marriages in 2020. In November 2021, a Foreign Ministry official reported that legislative efforts were still ongoing while giving remarks to a Universal Periodic Review working group.

C. FUNCTIONING OF GOVERNMENT: 2 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

Since 2019, the policies of the Thai government have been determined by the prime minister and the National Assembly. Despite opposition parties garnering a significant share of lower-house seats in that year's elections, the government remains largely authoritarian due to the unelected Senate, which votes with the lower house to determine the government's long-term strategy and select the prime minister. Consequently, government policies and legislation are decided and implemented by a clique of former military leaders and their allies.

In recent years, the king has consolidated and expanded the monarchy's political and military powers. In 2019, King Vajiralongkorn ordered the transfer of two elite army units to the palace's direct command, citing Article 172 of the constitution, which allows a royal decree to be issued when an emergency threatens national security and the monarchy.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Thailand's anticorruption legislation is inadequately enforced, and bribes and gifts are common practice in business, law enforcement, and the legal system. The National Anti-Corruption Commission (NACC) receives numerous complaints each year, and the NCPO passed vague anticorruption laws while in power. However, the junta engaged in wide-scale corruption, cronyism, and nepotism, and these issues have gone unaddressed since the transition to semicivilian rule.

The government faced corruption suspicions over COVID-19 vaccine procurement efforts in 2021. In August, a PTP legislator claimed the government overpaid for doses of the Sinovac COVID-19 vaccine, prompting Prayuth to deny suggestions of embezzlement.

C3. Does the government operate with openness and transparency? 1 / 4

Parliamentary oversight of the government that took power in 2019 has resulted in an increase in overall government openness and transparency. However, due to the military's continued sway over government operations and its legislative majority, high-level decisions continue to be made, and legislation passed, opaquely.

Procurement decisions are also opaque. In 2020, Siam Bioscience, which the monarch effectively owns via the Crown Property Bureau, won a contract to produce the University of Oxford–AstraZeneca COVID-19 vaccine for distribution in Southeast Asia under terms that were not made public.

CIVIL LIBERTIES: 24 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16****D1. Are there free and independent media? 1 / 4**

Under military rule, the government systematically used censorship, intimidation, and legal action to suppress independent media, and international and domestic news outlets were frequently censored during the 2019 campaign period. That July, several NCPO orders limiting free speech and independent media were lifted, including those banning reports considered to threaten national security and the NCPO's credibility. However, the new government has retained several laws introduced by the junta that restrict free and independent media, including criminal defamation laws.

In 2020, an emergency decree made it illegal to publish COVID-19 information deemed "false or capable of causing fear in the public," with violators subject to prison terms of up to five years. The decree also empowered authorities to demand that journalists and outlets "correct" reports deemed false or face charges under the Computer Crime Act (CCA).

The government also placed pressure on the media during the antigovernment protests that began in 2020. Several journalists were arrested while covering protests in 2020, while at least four outlets received shutdown orders. In November 2021, the National Broadcasting and Telecommunications Commission warned outlets to refrain from interviewing protest leaders, discussing their demands, or broadcasting long live reports on protests.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

There is no state religion, and religious freedom is respected in the majority of the country. However, some restrictions exist. Speech considered insulting to Buddhism is prohibited by law. A long-running civil conflict in the south, which pits ethnic Malay Muslims against ethnic Thai Buddhists, continues to undermine citizens' ability to practice their religions. The vast majority of Thais are Buddhist and the king is considered the protector of Buddhism in Thailand, which carries spoken and unspoken authority.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is constrained in Thailand. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancellation by government authorities. Activist activities on university campuses remain constrained by the government, including through prosecutions for sedition and violations of draconian *lèse-majesté* laws.

Academics working on sensitive topics face oppressive tactics including summonses for questioning, home visits by security officials, surveillance of their activities, and arbitrary detention for the purpose of questioning. Several Thai academics fled into exile after the 2014 coup.

Thailand's public education system is rife with propaganda aimed at instilling obedience to the country's monarchy and military. The education system became a target of student protesters. New youth-led organizations such as Bad Students demanded the government halt harassment of student activists, while collaborating with students on reforms including the abrogation of abusive school regulations.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Despite the 2019 transition to semicivilian control, perceived critics of the government, military, or the monarchy remain at high risk of surveillance, arrest, imprisonment, harassment, and physical attack. Thailand's postjunta government retained 140 NCPO laws, including laws that restrict freedom of expression. It also retained the CCA, which gives authorities broad powers to restrict online expression, impose censorship, and enforce surveillance, and extends enforcement of *lèse-majesté* provisions online.

In July 2021, the government promulgated Regulation 29, which prohibited speech that would "instigate fear." Regulation 29 also required internet service providers to surrender the internet protocol addresses of users engaging in such speech to the authorities. A civil court blocked the regulation's use in August, responding to a petition from activists and media outlets.

Enforcement of *lèse-majesté* laws under Section 112 of the criminal code decreased in the final years of direct military rule, but it returned as a tool of repression in 2020. Between November 2020 and the end of 2021, least 151 people were charged with violating Section 112. Thanathorn Juangroongruangkit was accused of violating Section 112 for comments regarding Siam Bioscience in January 2021. That same month, a former civil servant, Anchana Preeert, was sentenced to 87 years' imprisonment for recording audio clips deemed defamatory of the monarchy. The sentence, which was reduced to 43-and-a-half years after her confession, is the longest such sentence in Thai history.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12 (-1)**E1. Is there freedom of assembly? 1 / 4**

In March 2020, Prime Minister Prayuth used COVID-19 as a pretext to employ broad powers granted by a 2005 emergency decree to protect the "safety of the people," including the power to restrict public gatherings. Restrictions have largely remained in effect through the end of 2021.

Authorities used considerable force, tolerated violence from progovernment sympathizers, and employed *lèse-majesté* laws in response to youth-led antigovernment demonstrations in 2020. While the authorities had some success in curtailing them, a new round of nationwide protests took place beginning in June 2021. Participants were motivated by the

ongoing COVID-19 crisis, calls to reform the government and monarchy, and economic difficulties. While many protest groups were peaceful, one group, Taluh Gas, regularly clashed with officers in Bangkok in August. Bangkok police used water cannon, rubber bullets, and live ammunition during the clashes. At least one protest-related death was recorded in 2021; a teenager shot during an August incident in Bangkok died of his injuries in October.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Thailand has a vibrant civil society, but groups focused on defending human rights and freedom of expression, and promoting democracy, continue to face restrictions, criminalization, and prosecution, including under sedition and lèse-majesté laws. Human rights nongovernmental organizations (NGOs) also faced government pressure after antigovernment protests began in 2020. Civil society groups holding republican views, such as the Organization for Thai Federation, remain forbidden.

Land and environmental activists risk serious and even deadly violence; environmental rights NGO Global Witness has described Thailand as among the most dangerous countries in Asia for such activists. Perpetrators of attacks generally enjoy impunity. In May 2021, land rights activist Somsak Onchuenjit was killed by an unidentified assailant in Trang Province.

In February 2021, the cabinet gave its initial approval for a bill that would require NGOs to register with the government, criminalize unregistered organizations, and allow the government to surveil the communications of NGO staff. The bill remained under consideration at year's end.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (-1)

Thai trade unions are nominally independent and have the right to collectively bargain. However, most formal-sector workers are not unionized, with the International Labour Organization (ILO) reporting a 3.5 percent density rate in 2016. Employers engage in antiunion activity, employing lockouts and launching defamation cases against union members and organizers. Non-Thai nationals are prohibited from establishing unions. Migrant workers are also legally prohibiting from establishing unions or leading officially recognized unions.

Unions and union leaders are also criminally targeted. In 2019, the NACC launched an investigation against 22 State Railway Union of Thailand (SRUT) members over a 2009 safety campaign it launched after a 2009 train derailment. The State Railway of Thailand later accused the SRUT of launching an illegal strike and won 24 million baht (\$724,000) in damages against 7 union leaders. In October 2020, 13 SRUT leaders were convicted of neglecting their official duties and received 3-year prison terms, though they received bail and launched an appeal.

Score Change: The score declined from 2 to 1 because union organizers and members continue to face antiunion actions from employers and the authorities, including lockouts and criminal prosecutions.

F. RULE OF LAW: 5 / 16

F1. Is there an independent judiciary? 1 / 4

While judicial independence is constitutionally guaranteed, courts are politicized and corrupt. The Constitutional Court, which has been accused of favoring the military, has sweeping powers, including the ability to dissolve political parties, overthrow elected officials, and veto legislation. In 2018, the government enacted a law making criticism of the Constitutional Court with “rude, sarcastic, or threatening words” a criminal offense, further shielding the body from accountability. In 2020, the Constitutional Court abolished the

FFP after what observers characterized as a highly politicized trial. In November 2021, the Constitutional Court ruled that three activists had intended to overthrow the monarchy after issuing calls for reform and ruled their acts unconstitutional. The court issued no explicit penalty against them but ordered protest groups to cease related activity.

In 2019, Kanakorn Pianchana, a Yala Province judge, shot himself in court immediately after acquitting five Muslim defendants on murder charges. Before shooting himself, Kanakorn stated that superiors placed intense pressure on him to convict the defendants, despite a lack of evidence.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Restrictions implemented by the NCPO and retained by the semicivilian government severely undermine due process rights. Orders issued in 2015 permitted the detention of individuals without charge for up to seven days and expanded the military's authority in law enforcement, permitting them to arrest, detain, and investigate crimes related to the monarchy and national security, including drug-related crimes. In 2019, much of this authority was transferred to a newly empowered Internal Security Operations Command, which can also summon and detain individuals without a warrant. With the transfer of power to a semicivilian government, all court cases involving offenses against junta orders were transferred from military to civilian courts.

Antigovernment protesters who participated in 2020 and 2021 rallies were kept in pre-trial detention for prolonged periods, were denied bail, were offered bail under strict conditions, and faced criminal prosecution. Over 1,300 people faced charges including sedition and lèse-majesté over protest-related activity between July 2020 and late September 2021 according to Thai Lawyers for Human Rights.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The police and military often operate with impunity, which is exacerbated by the absence of any law that explicitly prohibits torture. In August 2021, a video showing police officers in Nakhon Sawan Province killing a suspected drug dealer was released. Five officers were arrested over the incident, while another two voluntarily surrendered. In September, legislators began debating a draft bill outlawing torture and forced disappearance, which passed its first reading later that month.

While most of Thailand is free from terrorism or insurgency, a combination of martial law and emergency rule has been in effect for over a decade in the four southernmost provinces, where Malay Muslims form a majority and a separatist insurgency has been ongoing since the 1940s. Civilians are regularly targeted in shootings, bombings, and arson attacks, and insurgents have focused on schools and teachers as symbols of the Thai state. Thousands of suspected militants and sympathizers have been indiscriminately detained in counterinsurgency operations. Long-standing and credible reports of human rights violations, including extrajudicial killings, by government forces and insurgents also exist. The dominant militant group, the National Revolutionary Front, unilaterally declared a cease-fire in April 2020, citing the COVID-19 pandemic, but fighting resumed that month.

Following the 2019 elections, physical attacks on democracy activists by masked assailants widely assumed to have government ties increased, with the authorities conducting no credible investigations. Authorities also used considerable force to disperse antigovernment protesters in 2021, at times using live ammunition.

Extraterritorial executions and disappearances of Thai dissidents-in-exile have also increased in recent years. In June 2020, Wanchalerm Satsaksit, an exiled Thai activist living

in Cambodia, was disappeared from Phnom Penh, presumably by agents connected to the Thai state, and remains missing.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

In Thailand's north, so-called hill tribes are not fully integrated into society. Many individuals lack formal citizenship, which renders them ineligible to vote, own land, attend state schools, or receive protection under labor laws. Thailand is known for its tolerance of LGBT+ people, though societal acceptance is higher for tourists and expatriates than for nationals, and unequal treatment and stigmatization remain challenges. Women face discrimination in employment, a problem that was highlighted the Royal Police Cadet Academy's 2018 decision to ban female cadets.

Thailand has not ratified the UN convention on refugees, who risk detention as unauthorized migrants and often lack access to asylum procedures. In November 2021, Thai authorities deported three Cambodian refugees who were members of the banned Cambodia National Rescue Party. In December, a Cambodian monk was arrested and charged with illegal entry.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Thai citizens generally have freedom of travel and choice of residence. However, travel may be restricted in areas affected by civil conflict. Freedom of movement was greatly curtailed by COVID-19-related emergency decrees during 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The rights to property and to establish businesses are protected by law, though in practice business activity is affected by bureaucratic delays, and at times by the influence of security forces and organized crime. Court cases related to land and natural resources, particularly those deemed by the junta to be vital to the country's economic development, are susceptible to political interference.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

While women have the same legal rights as men, they are vulnerable to domestic abuse and rape. Victims rarely report attacks to authorities, who frequently discourage women from pursuing criminal charges against perpetrators.

In late January 2021, the National Assembly amended three sections of the penal code to decriminalize first-trimester abortions, which were gazetted in February. The articles had been ruled unconstitutional by the Constitutional Court in early 2020.

In November 2021, the Constitutional Court ruled that the existing civil code did not extend marriage rights to same sex-couples.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Exploitation and trafficking of Thailand's large migrant worker underclass and refugees from Myanmar, Cambodia, and Laos are serious and ongoing problems, as are child and sweatshop labor. Migrant workers risk deportation; in November 2021, the Defence Ministry reported that over 30,000 people classified as illegal migrants were deported during the first 10 months of the year.

Sex trafficking remains a problem in which some state officials are complicit. However, the government has made some efforts to prosecute and seize the assets of those suspected of involvement in human trafficking, including police officers and local officials.

Thai companies facing criticism for human rights violations, labor rights abuses, and migrant rights violations continue to file libel lawsuits against activists and human rights defenders. Between 2016 and December 2021, poultry producer Thammakaset filed criminal and civil complaints against 23 individuals and entities, including migrant workers, human rights defenders, and media outlets.

The Gambia

Population: 2,500,000

Capital: Banjul

Freedom Status: Partly Free

Electoral Democracy: No

Overview: The Gambia was ruled for over two decades by former president Yahya Jammeh, who first seized power in a military coup and consistently violated political rights and civil liberties. The 2016 election resulted in a surprise victory for opposition candidate Adama Barrow. Respect for fundamental freedoms including the rights to free assembly, association, and expression initially improved under the Barrow administration, but it has faced criticism for continued corruption. Among other ongoing concerns, LGBT+ people face severe discrimination, and violence against women remains a serious problem.

KEY DEVELOPMENTS IN 2021

- In May, the Supreme Court found that the National Assembly had exceeded its authority in late 2020 by amending the national budget to include a loan program for its own members.
- An ally of former president Jammeh, Yankuba Touray, was sentenced to death in July for his role in the extrajudicial killing of then finance minister Ousman Koro Ceesay in 1995. The conviction was appealed. The defendant had refused to cooperate with the Truth, Reconciliation, and Reparations Commission (TRRC), which submitted its final report to the government in November, after multiple delays; the government had six months to decide what to do with the report.
- In August, the president signed the Access to Information Act into law, raising the prospects for greater government transparency.
- In December, President Barrow won reelection after a contentious campaign in which his National People's Party (NPP) formed an alliance with the former ruling party, the Alliance for Patriotic Reorientation and Construction (APRC). Former president Jammeh had condemned the alliance and called for the APRC to side with Mama Kandeh's Gambia Democratic Congress (GDC) instead.

POLITICAL RIGHTS: 21 / 40 (+1)

A. ELECTORAL PROCESS: 8 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4 (+1)

The president is directly elected to a five-year term and faces no term limits. In the December 2021 election, Adama Barrow won a second term with about 53 percent of the vote

in a field of six candidates. Ousainou Darboe of the United Democratic Party (UDP) placed second with 28 percent, followed by Mama Kandeh of the GDC with 12 percent. Domestic and international observers were allowed to monitor the election and found the results to be credible. However, some irregularities were reported, and a number of deficiencies in the legal framework affected the campaign environment. Two of the opposition candidates rejected the outcome and filed a legal suit that was subsequently dismissed by the Supreme Court on procedural grounds.

Score Change: The score improved from 2 to 3 because the year's presidential election results were deemed credible by international and domestic observers, and unlike with the previous presidential election, the outcome was upheld without the need for external intervention.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Of the 58 members of the unicameral National Assembly, 53 are elected by popular vote and the remainder are appointed by the president; members serve five-year terms. The 2017 parliamentary elections were transparent, peaceful, and impartially managed. Weaknesses included low turnout, incomplete updating of the voter registry, and poor organization of vote-collation processes. Nevertheless, most polling stations operated on time, and vote counting was transparent. The United Democratic Party (UDP), which at the time backed Barrow and had previously been in opposition, won 31 seats and an absolute majority. Five smaller parties and an independent divided the remainder, with no more than five seats each.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The Independent Electoral Commission (IEC) adequately managed the 2017 National Assembly elections, the 2018 local elections, and the 2021 presidential election. However, it faces chronic challenges related to its finances, training of personnel, and access to supplies. International observers in 2021 highlighted weaknesses in the electoral framework, including poor regulation of campaign financing, though they praised key aspects of the polling process on election day. A nationwide registration campaign conducted by IEC ahead of the presidential election was widely seen as a success despite significant financial and logistical obstacles; in all, over 960,000 Gambians were registered to vote.

Proposed electoral reforms that were introduced in the National Assembly in March but not passed during the year would grant members of the diaspora the right to vote, among other changes. Critics found fault with some provisions, arguing in part that the bill would manipulate constituency boundaries.

B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

There were 18 political parties registered in The Gambia as of 2021. Organizers must pay a 1 million dalasi (\$19,000) registration fee and garner the signatures of 10,000 registered voters, with at least 1,000 from each of the country's regions. Parties centered on a particular religion, ethnicity, or region are banned. Parties are required to submit annual audits to the IEC.

Candidate nomination requirements present an obstacle to party competition. Of 21 initial nominations in 2021, only six presidential candidates were approved by the IEC; while two parties successfully challenged the rejections in court, they did not ultimately field candidates.

Ruling parties have benefited from the advantages of incumbency, including misuse of state resources. Prior to the 2016 presidential election, Jammeh's APRC had dominated politics. The UDP then became the dominant party until Barrow fell out with party leader Ousainou Darboe and formed the NPP in 2019.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The UDP won a legislative majority in 2017, displacing the APRC, and it has been in opposition to President Barrow since 2019. Discussions among smaller parties on the formation of broader opposition alliance did not bear fruit during 2021. With support from the NPP, Barrow easily won an outright majority in his reelection bid.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Gambians have become more free from improper influences on their political choices since Jammeh's 22-year rule ended in 2017, but abuses such as the politicized distribution of money and goods to benefit the ruling party continued to be reported ahead of the 2021 election.

A military mission deployed by the Economic Community of West African States (ECOWAS) played a pivotal role in compelling Jammeh to yield to Barrow's victory in the 2016 election; the mission's mandate was extended multiple times at Barrow's request amid ongoing concerns about security and political stability, but it was scheduled to end at the close of 2021. The ECOWAS force has not had a discernible impact on the decisions of voters or politicians, though there are unproven allegations to the contrary.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

There is concern that Gambian politics are being defined by ethnic divisions, as major parties draw much of their support from particular ethnic groups. Former president Jammeh, an ethnic Jola, criticized members of the plurality Mandinka ethnic group before leaving office. There were allegations that the NPP's alliance with the APRC and several other smaller parties ahead of the 2021 election carried an undercurrent of anti-Mandinka mobilization, as the UDP is strongly associated with that ethnic group.

Women remain underrepresented in politics. The National Assembly elected in 2017 included a woman speaker as well as the first lawmaker with disabilities, but both were presidential appointees. Only five women held National Assembly seats as of 2021.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The Barrow government does not appear to be subject to undue influence from nonstate actors, armed forces, or foreign governments. However, its critics have alleged that the government is under the influence of Senegal, citing the continued presence of the ECOWAS military mission and the preponderance of Senegalese commercial interests in the country. The parliament's limited ability to check executive authority remains a concern.

C2. Are safeguards against official corruption strong and effective? 1 / 4

The Barrow government has undertaken limited initiatives to reduce corruption, which remains a serious problem. Allegations of corruption are frequently lodged against officials

at all levels of government, and both state and semiofficial agencies have been accused of improperly funneling money to private citizens. While lawmakers have discussed anticorruption legislation, a proposed anticorruption commission has not yet been established, and an older anticorruption body is dormant.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations are generally opaque. Officials must make asset declarations to the ombudsman, but the declarations are not open to public and media scrutiny. There are widespread allegations of corruption in public procurement. Key licensing processes, especially for industries that rely on natural resources, are not transparent.

The National Assembly passed the Access to Information Act in July 2021, and President Barrow signed it into law in August. Civil society groups had championed the legislation as a means to improve transparency and accountability, but it remained unclear whether it would be fully implemented in practice.

CIVIL LIBERTIES: 26 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16

D1. Are there free and independent media? 2 / 4

The media environment has improved under Barrow's presidency. More people are entering the profession, exiled journalists have returned to the country, and there has been a proliferation of private print, online, radio, and television outlets. Nevertheless, a number of laws that restrict freedom of expression remain in effect, including some that have recently been upheld by courts. Media outlets are subject to arbitrary suspensions, and journalists have at times faced arrest or physical assault in the course of their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The Barrow government has maintained that The Gambia is a secular society in which adherents of all faiths can worship freely. In practice, non-Sunni Muslim groups experience discrimination. The 2019 draft constitution, which failed to win legislative approval in 2020, omitted a reference to The Gambia as a secular country, prompting concern among civil society actors. Traditional authorities have made disparaging comments about the Christian community—which comprises less than 5 percent of the population—in connection with the construction of churches and cemeteries. Some Christians argued in 2021 that a measure granting reduced working hours to women civil servants during the Ramadan fasting period was discriminatory, since no such accommodations were offered during Christian fasts.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom at the University of The Gambia has improved since Barrow took office, with a more open environment for the exchange of ideas among students and professors than under Jammeh. Lecturers still face political pressure, however, and other challenges persist. University staff have argued that funds are misused by senior leadership, and in September 2021 they announced plans for a strike to improve the governance structure of the university.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Gambians have greater freedom to express political views under the Barrow administration. However, sedition laws that remain on the books could be used to criminalize criticism of the government, including on social media. In April 2021, a leader of the Three Years Jotna movement, which had called for Barrow to honor his earlier pledge to remain in office for only three years, was charged with sedition and violations of the Public Order Act (POA) after allegedly insulting the president and the judiciary. He was eventually cleared of the charges. In December, the Supreme Court dismissed a separate case concerning the constitutionality of a criminal code provision that makes it an offense to disparage a foreign dignitary, ambassador, or head of state.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, but the POA requires event organizers to obtain police permits for public assemblies. A resurgence of COVID-19 cases in February 2021 prompted the government to temporarily suspend the issuance of permits for political and social events. In April, a planned protest against the deportation of Gambian refugees from Germany was denied a permit on public health grounds, even though other recent events had been allowed to proceed. In May, the government dropped charges against the leadership of the Three Years Jotna movement that were linked to a protest in 2020. Human rights activists have alleged that the police use excessive force when disbanding protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

There are several nongovernmental organizations (NGOs) in The Gambia that focus on human rights and governance issues. NGO workers faced detention and other reprisals under Jammeh, and restrictive legislation remains on the books, but since 2017 NGOs have operated with less interference in practice, and some groups have successfully challenged the government on policy and legal matters without repercussion. International NGOs have also increased their presence in the country and are able to operate without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers—except for civil servants, household workers, and security forces—may form unions, strike, and bargain for wages, but the labor minister has the discretion to exclude other categories of workers. The Gambia has multiple trade unions that operate without government restrictions, though several lack organization and funds. In 2021, the University of The Gambia Faculty and Staff Association lost a court case in which it argued that an injunction to prevent its members from striking was unconstitutional.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 2 / 4

The Barrow government has taken steps to improve the judiciary, which was hampered by corruption and inefficiency under Jammeh. These steps include ending the use of contract judges, the establishment of additional courts to address case backlogs, and giving courts greater budgetary autonomy. The government also reconstituted the Judicial Service Commission, which appoints lower-court magistrates and advises the president on higher-level appointments, court efficiency, and operations. While executive dominance remains a concern, the judiciary has shown some independence from the other branches of government in recent years. In May 2021, for example, the Supreme Court ruled in favor of a lawsuit brought by two NGOs, finding that the National Assembly had exceeded its authority by

amending the national budget to include a 54 million GMD (\$1 million) loan program for its own members and staff.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due process guarantees remain unevenly upheld, though political dissidents face less risk of persecution than during the Jammeh era. The government has pledged to arrest and prosecute security officers responsible for past human rights abuses, and in July 2021 Yankuba Touray, a Jammeh ally who eventually served in his cabinet, was sentenced to death for his role in the 1995 extrajudicial killing of the then finance minister, Ousman Koro Ceesay. However, there have been no other major cases against senior personnel.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The use of illegitimate physical force by security agents has been less frequent under the Barrow administration. There have been some attempts to improve prison conditions, which remain dire. The hearings of the TRRC, established in 2018 to investigate Jammeh-era human rights abuses, have yielded little in terms of prosecutions, and the release of some perpetrators has been controversial. The commission submitted its final report to the government just over a week before the 2021 presidential election after multiple delays, prompting allegations that the government sought to suppress it in light of the NPP's alliance with the APRC. The Barrow government had six months to respond to the report.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Several groups in Gambian society encounter serious difficulties in exercising their human rights. Women enjoy less access to higher education, justice, and employment than men. Legal protections for people with disabilities require strengthening and enforcement. LGBT+ people face severe societal discrimination, and same-sex relations remain criminalized. The 1997 constitution, which remains in effect, prohibits discrimination, but this "does not apply in respect to adoption, marriage, divorce, burial, and devolution of property upon death." Caste-based discrimination remains an issue in parts of the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are no legal restrictions on the freedom to change one's place of residence or employment. In practice, the endurance of strong kinship networks, unclear land-ownership rules, and economic speculation affect Gambians' ability to change residence.

Most of the coronavirus-related restrictions imposed on internal and external travel during 2020 were lifted later that year, but the government activated additional quarantine requirements for some international travelers in response to the emergence of a new COVID-19 variant in early 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Gambian law provides formal protections for property rights, but Sharia (Islamic law) provisions on family law and inheritance can facilitate discrimination against women.

Corruption hampers legitimate business activity. Land ownership is a contentious issue, with disputes sometimes escalating into violence. The problem is exacerbated by unclear division of responsibilities between traditional and state authorities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Rape and domestic violence are illegal but common. There are no laws prohibiting polygamy or levirate marriage, in which a widow is married off to the younger brother of her spouse. Female genital mutilation is still practiced despite a legal ban. The Barrow government has undertaken steps to address child marriage and gender-based violence. In 2021, it advocated repealing a ban on skin bleaching, originally enacted under Jammeh, arguing that it discriminated against women; the National Assembly voted in March to retain the ban.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Enforcement of labor laws is inconsistent. Although child labor and forced labor are illegal, some women and children are subject to sex trafficking, domestic servitude, and forced begging. In the 2021 edition of its *Trafficking in Persons Report*, the US State Department noted that while the government has taken steps to identify trafficking victims and improve security at shelters, its efforts are hampered by inadequate resources, and there have been no convictions linked to human trafficking for several years.

Timor-Leste

Population: 1,300,000

Capital: Dili

Freedom Status: Free

Electoral Democracy: Yes

Overview: Timor-Leste has held competitive elections and undergone peaceful transfers of power, but its democratic institutions remain fragile, and disputes among the major personalities from the independence struggle dominate political affairs. Judicial independence and due process are undermined by serious capacity deficits and political influence.

KEY DEVELOPMENTS IN 2021

- Timor-Leste was severely affected by Cyclone Seroja, which caused heavy rainfall, flooding, and landslides over several days in late March and early April. The storm killed 41 people and forced nearly 16,000 people to shelter in evacuation facilities.
 - In December, Richard Daschbach, a defrocked Roman Catholic priest, was convicted of sexually abusing girls at a shelter he operated, as well as domestic violence and possession of child sexual abuse images. Daschbach received a 12-year prison term. Daschbach's conviction was achieved despite trial delays and former prime minister Xanana Gusmão's open support for the former priest.
 - Timor-Leste observed May-to-June and August waves of COVID-19 transmission. Authorities reported 19,796 cases and 122 deaths to the World Health Organization throughout the year.
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POLITICAL RIGHTS: 33 / 40**A. ELECTORAL PROCESS: 11 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The directly elected president is a largely symbolic figure, with formal powers limited to the right to veto legislation and make certain appointments. The president may serve up to two five-year terms. Francisco Guterres, known as Lú-Olo, of the Revolutionary Front for an Independent East Timor (Fretilin) was elected president in 2017, following a generally peaceful campaign. European Union (EU) observers called the election well administered.

The leader of the majority party or coalition in Parliament becomes prime minister and serves as head of government. In June 2018, former independence fighter and former president José Maria Vasconcelos, popularly known as Taur Matan Ruak, was sworn in as prime minister. He remained in that post when Fretilin, the People's Liberation Party (PLP), and the Party for the Enhancement of Timorese National Unity (KHUNTO) formed a governing coalition in May 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 65-seat, unicameral Parliament are directly elected and serve five-year terms. Because the minority government seated after the 2017 election could not pass a budget, the president dissolved Parliament in January 2018 and called new elections, which were held that May. The sitting opposition parties—the National Congress for the Reconstruction of Timor-Leste (CNRT), KHUNTO, and the PLP—formed the Change for Progress Alliance (AMP) coalition and won an outright majority of 34 seats. Fretilin won 23, the Democratic Party won 5, and the Democratic Development Front won 3. EU observers called the elections “transparent, well-managed and credible.” The polls were generally peaceful and orderly, despite a few violent incidents during the campaign period.

Parliament failed to approve a budget in January 2020 after the CNRT abstained. The CNRT, led by Xanana Gusmão, then left the governing coalition. The CNRT's efforts to secure an agreement of its own failed that April, when KHUNTO—which originally supported the CNRT—broke from the alliance to support an extension of a COVID-19 state of emergency. A coalition consisting of the PLP, KHUNTO, and Fretilin was finalized that May.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The 2017 and 2018 EU election observation missions generally praised the National Election Commission for its oversight of the years' polls but expressed concern that changes to the election laws in 2017 somewhat reduced its supervisory responsibilities. Provisions governing elections are found across several pieces of legislation, and observers have called for legal mandates governing elections to be harmonized into a more coherent framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties are generally free to operate. Some campaign-finance regulations favor larger parties. These include a lack of spending caps and a system in which government campaign subsidies are awarded after elections, according to the number of votes a party has won.

Two new parties, the youth-aligned KHUNTO and the PLP, won 13 parliamentary seats between them in 2017. They joined AMP in the 2018 elections and formed a governing coalition with Fretilin in 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The 2018 national elections marked the third transfer of power between parties since independence.

While some smaller parties hold parliamentary seats, parties associated with the independence movement dominate. Fretilin participated in governments formed in 2017 and 2020, while the CNRT participated in the AMP coalition government in 2018. The PLP, which is led by Taur Matan Ruak, participated in the 2018 and 2020 governments.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Politics continue to be dominated by independence-movement figures who have formed political parties. Veterans often serve as power brokers and organizers, while local village leaders are known to mobilize voters despite their ostensible nonpartisan status.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic minorities are generally well represented in politics.

While male independence leaders often hold key political roles and dominate elite political circles, some 40 percent of parliamentarians are women. One-third of electoral-list candidates must be female. Women are massively underrepresented at the local level. Observers suggest that few women would seek office except for the existence of gender-parity legislation.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

In 2017 and 2018, the government held competitive and peaceful elections without the supervision of a UN mission that had been deployed to help restore security following a 2006 political crisis.

Two governments have fallen over their inability to pass budgets in recent years. Six cabinet posts went unfilled between 2018—when Lú-Olo rejected several nominees—and 2020, when Taur Matan Ruak successfully appointed ministers to those roles.

Xanana Gusmão retains influence over the government, though he is not in the governing coalition. The Roman Catholic Church also maintains significant influence over government policy.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The World Bank estimates that Timor-Leste loses from 1.5 to 2 percent of gross domestic product annually to corruption. Anticorruption bodies lack enough funding to operate effectively. The independent Anti-Corruption Commission was established in 2009 and has no powers of arrest or prosecution, relying on the prosecutor general, with input from police and the courts, to follow up on corruption investigations. However, a new anticorruption law that, among other things, includes protections for whistleblowers and witnesses came into force in February 2021.

C3. Does the government operate with openness and transparency? 2 / 4

While the state has attempted to make budgets more accessible, procurement processes remain largely opaque. Requests for public information are not always granted, and at times require applicants to undertake inconvenient travel. Information is often issued exclusively in Portuguese, which most Timorese do not speak. The anticorruption law that took effect in February 2021 introduced new rules on wealth and asset declarations that apply to civil servants, state agents, and their relatives.

CIVIL LIBERTIES: 39 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 3 / 4**

While media freedom is constitutionally protected, domestic media outlets are vulnerable to political pressure due to their reliance on government financial support, in a small media market with limited nongovernmental sources of support. However, in recent years, journalists have been more willing to produce articles critical of the government.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is protected in the constitution, and Timor-Leste is a secular state. Approximately 98 percent of the population is Roman Catholic. Protestants and Muslims have reported some cases of discrimination and harassment.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are few constraints on open and free private discussion, and citizens are free to discuss political and social issues. Topics related to the 2006 unrest, in which armed clashes between the police and mobilized civilian groups resulted in numerous deaths and the displacement of some 150,000 people, remain sensitive. During the 2021 trial against Richard Daschbach, victims reported they faced online attack.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12**E1. Is there freedom of assembly? 3 / 4**

While freedom of assembly is constitutionally guaranteed and generally respected in practice, some laws can be invoked to restrict peaceful gatherings. Demonstrations must be authorized in advance, and those deemed to be “questioning constitutional order” or disparaging the reputations of the head of state and other government officials are prohibited.

Public gatherings were banned in March 2020 when the government imposed a COVID-19-related state of emergency. That state of emergency expired in November 2021, though gathering restrictions reportedly remained.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) can generally operate without interference, although all registered NGOs receiving government or donor funds are under the oversight

of the Ministry of Planning and Finance. Few NGOs operate outside of the capital. The government is generally receptive to the input of NGOs and included civil society in its COVID-19 response.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers, other than police and military personnel, are permitted to form and join labor unions and bargain collectively, though a 2011 law requires written notification of demands and allows for five days for a response from employers in advance of striking. If employers do not respond or if an agreement is not reached within 20 days, then five days' notice is required for a strike. In practice, few workers are unionized due to high levels of unemployment and informal economic activity.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Concerns over judicial independence remain for politically sensitive cases, and there is still reported political and religious interference in the judicial system.

The judicial system adjudicated the case of defrocked Roman Catholic priest Richard Daschbach, who faced 14 charges of sexual abuse along with domestic violence and possess of child sexual abuse images, in 2021. While Xanana Gusmão openly supported Daschbach, he was convicted and received a 12-year prison term in December. Daschbach is the first priest to face public accusation and trial for such accusations in Timor-Leste; the proceedings were viewed as a significant test of judicial independence.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are often restricted or denied, owing in part to a dearth of resources and personnel. The training of new magistrates following the 2014 dismissals of foreign judges has been slow, resulting in significant case backlogs, although this is improving with the resumption of training programs. The use of Portuguese for court administration poses an obstacle, and shortages of interpreters have sometimes forced the adjournment of trials.

The trial against Richard Daschbach did not begin until February 2021, even though he was arrested in 2019; his trial was also affected by delays caused in part by the COVID-19 pandemic.

Cases involving past human rights abuses are required by law to be heard by a panel including two international judges, though the 2014 dismissals interrupted these cases and no new cases have been brought since.

Alternative methods of dispute resolution and customary law are widely used, though they lack enforcement mechanisms and have other significant shortcomings, including unequal treatment of women.

Many municipalities have no fixed courts and rely on mobile services. The government has established mobile courts as an interim measure and has announced plans for the development of a hybrid justice system, with more harmonization between formal and customary dispute resolution mechanisms.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Police officers and soldiers are regularly accused of excessive force and abuse of power, though the courts have had some success in prosecuting offenders. Public perception of the police has improved in recent years, as have general feelings of security.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

While hate crimes based on sexual orientation are considered an aggravating circumstance in the penal code, other protections against discrimination for LGBT+ people are lacking. Gay men and transgender women have trouble accessing employment opportunities due to low rates of access to education and discrimination. Lesbian, bisexual, and transgender women report cases of extreme physical violence from strangers and family members, including cases of “corrective” rape and forced marriage or relationships with members of the opposite sex. Equal rights for women are constitutionally guaranteed, but discrimination and gender inequality persist in practice and in customary law.

Religious minorities have reported difficulties in having marriage and birth certificates issued by religious entities readily accepted by the authorities. There have been recent complaints of discrimination against Muslims in civil service hiring.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Citizens generally enjoy unrestricted travel, though travel by land to the enclave of Oecusse is hampered by visa requirements and Indonesian and Timorese checkpoints. Individuals enjoy free choice of residence and employment, but unemployment rates are high, especially among youth, and most of the population relies on subsistence farming. External borders were largely closed for much of 2020 and 2021 under official COVID-19 measures.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Timorese have the right to establish businesses. However, practical aspects of establishing and operating a business are complicated by inefficiencies that make it difficult to gain appropriate permits and enforce contracts, as well as difficulties in obtaining credit.

Property rights are complicated by past conflicts, ongoing disagreements, and the unclear status of communal or customary land rights. A national land law designed to establish formal tenure and to help resolve disputes through arbitration was enacted in 2017.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence (GBV) and domestic violence remain widespread. Civil society groups have criticized the courts’ use of prison sentences for only the most severe and injurious such cases, and few reported cases are investigated. A lack of GBV training hampers investigatory procedures into such cases, including investigators’ failure to recognize or collect evidence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Timor-Leste is both a source and destination country for human trafficking. Timorese from rural areas are vulnerable to sexual exploitation and domestic servitude, and children are sometimes placed in bonded labor. Despite government efforts, including the promulgation of the 2017 Law on Preventing and Combating Human Trafficking, investigations have declined in recent years. Some 267 cases were investigated in 2017 but that number fell to 65 in 2018, 13 in 2019, and 2 in 2020. No trafficking convictions have been achieved since 2018.

Togo

Population: 8,300,000

Capital: Lomé

Freedom Status: Partly Free

Electoral Democracy: No

Overview: While regular multiparty elections have taken place since 1992, Togo's politics have been controlled since 1963 by the late Gnassingbé Eyadéma and his son, current president Faure Gnassingbé. Advantages including security services dominated by the president's ethnic group and malapportioned election districts have helped Gnassingbé and his party retain power. Opposition calls for constitutional and electoral reforms have been harshly repressed for years.

KEY DEVELOPMENTS IN 2021

- In January, police from the Central Service of Criminal Investigations (SRIC) arrested four trade unionists from the trade union Synergie des Travailleurs du Togo (STT) without warrants. That month, eight members of the teacher's union, Syndicat des Enseignants du Togo (SET), were detained after calling for a teachers strike.
- Also in January, the High Authority for Broadcasting and Communication (HAAC) shut down and withdrew the license of the newspaper *L'Indépendant Express* for publishing an article about four government ministers who were accused of stealing golden spoons at a reception organized by a financial institution. Its editor, Carolos Ketohou, was detained illegally for five days after the story was published.

POLITICAL RIGHTS: 15 / 40

A. ELECTORAL PROCESS: 4 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president, who serves as head of state and holds most executive power, is elected for five-year terms. The president appoints the prime minister, who serves as head of government. Presidential term limits were eliminated in 2002, then restored through a constitutional amendment in 2019; they did not apply retroactively, meaning the incumbent Gnassingbé could seek two additional terms. The two-round presidential election system, requiring a runoff if no candidate wins a majority in the first round, was also restored.

Gnassingbé—initially installed as president by the military in 2005 after the death of his father, Gnassingbé Eyadéma—secured a fourth term in the 2020 election, ostensibly with 71 percent of the vote. Permits for domestic civil society groups to observe the polls were denied or revoked, representatives of the US-based National Democratic Institute were expelled before the election, and mobile messaging applications were blocked on election day. A relatively small number of observers from the African Union (AU) and the Economic Community of West African States (ECOWAS) were granted entry and produced largely uncritical reports.

The runner-up, former prime minister Agbeyome Kodjo of the opposition Patriotic Movement for Democracy and Development (MPDD), was credited with 19 percent of the vote. He and other opposition members alleged that the election was stolen, accusing

the government of using fake polling stations and stuffing ballot boxes. Security forces surrounded Kodjo's house and that of retired archbishop Philippe Kpodzro to prevent them from leading protests.

After Kodjo's lawsuit challenging the election results was rejected by the Constitutional Court in March 2020, his parliamentary immunity was lifted, and he was arrested and temporarily detained in April—along with other members of his party—for asserting that he was the legitimate president. Kodjo was later released and is currently living in exile.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The constitution calls for a bicameral legislature, but the Senate has never been established. Members of the current 91-seat National Assembly, which exercises all legislative powers, were elected for five-year terms through proportional representation in multimember districts. In the 2018 elections, the main opposition parties led a 14-party boycott, citing several unmet demands regarding constitutional and electoral reform. Gnassingbé's Union for the Republic (UNIR) won 59 of the 91 seats. The Union of Forces for Change (UFC), which led the opposition before aligning itself with the government in 2010, won 7 seats. Observers from the AU and ECOWAS said the elections had been held "properly" in a "calm environment," though opposition protests had been violently suppressed in the weeks before balloting, and voter turnout was low in opposition-leaning areas.

Municipal councilors were elected in 2019 in the first local polls since 1987. The UNIR won more than 60 percent of council seats; the ANC placed second. Regional elections scheduled for 2021 were postponed due to challenges in negotiations between the government and opposition.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Elections are organized and supervised by the Independent National Electoral Commission (CENI), whose membership by law should be balanced with appointments by the ruling party and the opposition. However, only 2 of the 19 members were from the opposition in the 2020 election. Among other irregularities on election day, opposition members were reportedly denied access to some polling places to monitor the vote, and the CENI refused to publish detailed results for each precinct. The Constitutional Court, responsible for verifying election results, is stacked with close allies of the president. Prominent civil society groups have joined major opposition parties in their calls for a reliable electoral register, fairly apportioned legislative districts, a reorganized CENI, a more independent Constitutional Court, and the announcement of precinct-based election results.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Opposition parties are generally free to form and operate and candidates can also run as independents. However, the dominance of the UNIR undermines the visibility and competitiveness of other parties. Opposition members are sometimes arrested in connection with peaceful political activities.

Since 2017, authorities have suppressed antigovernment protests organized by opposition parties with deadly force, arresting and torturing opposition supporters. Opposition

leader Tikpi Atchadam, who led massive antigovernment demonstrations in 2017, remains hiding in exile. Leading up to the 2020 presidential election, opposition candidates faced obstacles such as denial of permits to hold rallies. In the weeks after the polls, several opposition leaders were arrested.

The court system is used to sideline prominent opposition members. An arrest warrant was issued against Kodjo following the 2020 election, and former minister and opposition party leader Djimon Ore was imprisoned in May 2021 for two years after criticizing the president.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Gnassingbé's family has controlled Togo's powerful presidency since the 1960s. He and the UNIR have retained power thanks in large part to the structure of the electoral system, including district malapportionment in legislative elections and their de facto control over institutions such as the CENI and the Constitutional Court. The return to the two-round presidential election system did not unify the opposition during the 2020 contest.

Genuine opposition parties have no presence in the National Assembly following their boycott of the 2018 elections, though they did gain mayoralties and municipal council seats in the 2019 local elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

In 2005, the military installed Gnassingbé as president, in violation of the constitution. While security forces defend the regime through intimidation, the UNIR has been accused of relying on patronage and financial incentives, including the distribution of benefits to buy votes at election time.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The Éwé, Togo's largest ethnic group, have historically been excluded from positions of influence; they are prominent within the opposition. Since 2010, the community has been politically split, as the Éwé-dominated UFC reached a power-sharing agreement with the government while the majority remained loyal to opposition forces. The government is dominated by members of Gnassingbé's Kabyé ethnic group, who also make up most security personnel.

Women face some societal pressure that discourages their active and independent political participation. Only 16 percent of the National Assembly members elected in 2018 were women. Candidate registration fees were halved for women ahead of the 2019 local elections. In 2020, Victoire Tomegah Dogbé became the first woman to serve as Togo's prime minister, and she named women to a record 30 percent of the ministerial posts in her cabinet.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The president holds most policymaking power, and the National Assembly, which is controlled by the ruling party, does not serve as an effective check on executive authority. A pattern of flawed elections has undermined the legitimacy of both the executive and the legislature.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is a serious and long-standing problem. The government has adopted legislation ostensibly designed to reduce corruption, such as a 2018 law on money laundering and funding terrorism, but these legal changes have not been effectively enforced, nor have high-ranking officials been convicted. Most members of the High Authority for the Prevention and Fight against Corruption and Related Offenses (HAPLUCIA) are presidential appointees, raising concerns about the body's independence. HAPLUCIA cannot prosecute cases itself and must make referrals to the public prosecutor.

C3. Does the government operate with openness and transparency? 2 / 4

A 2016 freedom of information law guarantees the right to access government information, though some information is exempted, and the government does not always respond to requests. Most public officials are not required to disclose their assets.

There is a lack of transparency regarding state tenders. The newspaper that published a 2020 investigative report alleging that officials had embezzled hundreds of millions of dollars in a scheme involving petroleum import contracts was prosecuted and found guilty of defamation. However, the government did commence an audit of petroleum imports.

CIVIL LIBERTIES: 27 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 2 / 4**

Freedom of the press is guaranteed in the constitution but inconsistently upheld in practice. Although numerous independent media outlets offer a variety of viewpoints, restrictive press laws and a history of impunity for those who commit crimes against journalists encourage self-censorship. There is no mechanism to appeal decisions made by the HAAC, which can suspend outlets for violations of broadly worded regulations. In January 2021, the HAAC shut down and withdrew the license of the newspaper *L'Indépendant Express* for publishing an article about four government ministers who were accused of stealing golden spoons at a reception organized by a financial institution. Its editor, Carolos Ketohou, was detained illegally for five days after the story was published. Three other newspapers—*L'Alternative*, *The Guardian*, and *La Symphonie*—were suspended for two to four months for articles that included corruption allegations.

Police have used violence, cut mobile phone and internet service, and blocked messaging apps to discourage and hamper press coverage of opposition protests. Togolese journalists have also been targeted by Pegasus spyware.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is constitutionally protected and generally respected in practice. Islam, Catholicism, and Protestant Christianity are recognized by the state; other groups must register as religious associations to receive similar benefits. The registration process has been subject to lengthy delays and a large backlog; approximately 900 applications from religious groups remained pending in 2021; no new applications had been accepted. Senior Catholic clergy are among the government critics who have reportedly been targeted with surveillance software.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academics are generally able to engage in political discussions. However, security forces have repeatedly used violence and arrests to quell student protests. The government may have used spyware to target critical academics.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Though citizens speak openly in private discussion, they may be arrested on incitement or other charges for speaking critically about the government to journalists or human rights organizations.

A 2018 cybersecurity law criminalized publication of false information and breaches of public morality, among other problematic provisions that could affect freedom of expression online. The law also granted police greater authority to conduct electronic surveillance. In July 2021, reporters identified 300 Togolese phone numbers—belonging to activists, journalists, and members of the political opposition—as potential targets of Pegasus spyware.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 5 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4

While the constitution provides for freedom of assembly, several laws allow for its restriction. Police periodically use deadly violence to disperse assemblies in practice. A 2015 revision of the criminal code penalized participation in and organization of protests that had not gone through the necessary administrative procedures. In 2019, the parliament imposed new limits on the timing and location of public demonstrations and allowed authorities to restrict protests based on the availability of security personnel.

During and after the 2020 presidential election campaign, authorities denied permits for several opposition rallies and civil society events protesting the flawed electoral proceedings. Demonstrators who attempted to assemble were dispersed by police, reportedly with excessive force.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations are subject to registration rules that have sometimes been enforced arbitrarily to suppress activism on sensitive topics, such as torture and the rights of LGBT+ people. Several civil society leaders have been arrested and detained for their roles in the protest movement that began in 2017. In 2020, two members of an antitorture organization were arrested while observing security forces near Kodjo's home; they were released without charge. The mobile phones of prodemocracy activists have been targeted with surveillance software.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4 (-1)

The government generally protects workers' rights to form and join labor unions, though unions have fewer legal protections in the country's special export-processing zone.

Police at times forcibly disperse union gatherings. In January 2021, police from the Central Service of Criminal Investigations (SRIC) arrested four trade unionists from the trade union Synergie des Travailleurs du Togo (STT) without warrants. Also that month, eight members of the teacher's union, Syndicat des Enseignants du Togo (SET), were detained after calling for a teachers strike. In May, police forcibly dispersed a meeting of teachers; some were beaten, and some were arrested.

Score Change: The score declined from 3 to 2 because police disrupted associational activity by teachers during the year, arresting without warrants the attendees of a teachers' union meeting in January and violently dispersing a separate meeting of teachers in May.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 2 / 4**

The constitution provides for an independent judiciary, but in practice courts are heavily influenced by the presidency. The Constitutional Court in particular is full of ruling party appointments and is seen as partial to the ruling party. Judges on other courts are appointed by the executive based on the recommendations of a judicial council dominated by senior judges.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Executive influence and judicial corruption limit constitutional rights to a fair trial. Dozens of people arrested for participating in antigovernment protests in recent years have been charged, tried, and convicted in hasty proceedings. Detainees often have no access to counsel. An Irish citizen, Abdoul-Aziz Goma, has been detained without trial since 2018 and reportedly experienced torture by the police.

Corruption and inefficiency are widespread among the police, and there are also reports of arbitrary arrest. The 2018 cybersecurity law contains vague terrorism and treason provisions with heavy prison sentences and grants additional powers to the police without adequate judicial oversight.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Prisons suffer from overcrowding and inadequate food and medical care, sometimes resulting in deaths among inmates from preventable or curable diseases. The government periodically releases prisoners to address overcrowding, but the process by which individuals are chosen for release is not transparent.

Security forces reportedly torture detainees, including participants in recent antigovernment demonstrations, despite laws that ban the practice in line with the UN Convention against Torture.

Islamist militants present a growing threat to security in Togo, with some fighters from Burkina Faso reportedly taking refuge in the country. In November 2021, Togolese forces fought off armed men who had crossed the border from Burkina Faso.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Though ostensibly equal under the law, women continue to experience discrimination, and their opportunities for employment and education are limited. Official and societal discrimination persist against people with disabilities, certain regional and ethnic groups, and LGBT+ people, to whom antidiscrimination laws do not apply. Same-sex sexual activity is a criminal offense, and while the law is rarely enforced, LGBT+ people face police harassment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

The law provides for freedom of internal movement and foreign travel, but these rights are sometimes restricted by the authorities in practice. Domestic travel can involve arbitrary traffic stops at which police collect bribes.

The government restricted travel and enforced curfews at times in 2020 and 2021 to prevent the spread of COVID-19.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The country has made regulatory improvements to ease processes such as the registration of companies and property, but in general the business environment is poorly administered, creating opportunities for corruption and driving much economic activity into the informal sector. Women do not have equal inheritance rights under customary law, which is observed mainly in rural areas.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Customary law puts women at a disadvantage regarding matters such as widowhood, divorce, and child custody. Polygamy is widely practiced and legally recognized. Child marriage remains a problem in some regions. Rape is illegal but rarely reported and, if reported, often ignored by authorities. Domestic violence, which is widespread, is not specifically addressed by the law. Female genital mutilation (FGM), though illegal, affects about 3 percent of women and girls aged 15 to 49, according to 2017 data.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Protections against exploitative labor conditions, including rules on working hours, are poorly enforced, and much of the workforce is informally employed. Child labor is common in the agricultural sector and in certain urban trades; some children are subjected to forced labor. According to the US State Department *2021 Trafficking in Persons* report, the government has made efforts to address human trafficking for forced labor and sexual exploitation but has struggled to secure convictions against perpetrators.

Tonga

Population: 100,000

Capital: Nuku'alofa

Freedom Status: Free

Electoral Democracy: Yes

Overview: Tonga's constitutional monarchy has featured a prime minister backed by a mostly elected parliament since 2010. However, the king retains important powers, including the authority to veto legislation, dissolve the parliament, and appoint judicial officials. While civil liberties are generally protected, ongoing concerns include official corruption and land laws that discriminate against women.

KEY DEVELOPMENTS IN 2021

- Tongan voters went to the polls in November to participate in the country's fourth general elections since the democratic reforms of 2010. The resulting 26-member parliament included 12 newly elected members.
 - Siaosi Sovaleni was chosen as prime minister in December, and he formed a new government that was composed mainly of people's representatives rather than nobles.
-

- Tonga's king had repeatedly expressed his displeasure with the performance of the parliament earlier in the year. In May he questioned the honesty of lawmakers, and in September he criticized a lack of government action in response to the illegal drug trade.

POLITICAL RIGHTS: 30 / 40**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

Though the monarch is no longer the chief executive authority, he retains significant powers, including the ability to veto legislation and dissolve the parliament. King 'Aho'eitu Tupou VI came to the throne in 2012 and is known to hold more conservative views than his late brother and predecessor, George Tupou V.

The prime minister, who chooses the cabinet, is formally appointed by the monarch on the recommendation of the parliament. Veteran democracy campaigner 'Akilisi Pōhiva, who initially took office in 2014, died in 2019 after a long illness; he was succeeded by then finance minister Pōhiva Tu'i'onetoa, who formed a cabinet that included commoners and members of the nobility. The new government survived a motion of no confidence in January 2021, 13 votes to 9.

Following the November 2021 general elections, a 16-member majority in the new parliament chose Siaosi Sovaleni as prime minister. He defeated a candidate supported by outgoing prime minister Tu'i'onetoa. The new 12-member cabinet included only one member from the nobility, who served as minister for lands and natural resources.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The unicameral Legislative Assembly (Fale Alea) consists of 17 members who are directly elected by commoners in single-member districts, nine noble members elected by their peers across five districts, and up to four additional members whom the prime minister may appoint to the cabinet from outside the parliament and who hold their seats ex officio. All candidates technically run as independents. The speaker is appointed from among the noble members on the recommendation of the assembly.

Seventy-five candidates registered to contest the November 2021 general elections, which were the country's fourth since the democratic reforms of 2010. Nine of the 17 people's representatives elected were new members, as were three of the nine nobles' representatives. No women were elected.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Electoral Commission administers elections competently and fairly, though the framework for parliamentary elections falls short of universal suffrage due to the reservation of nine seats for the nobility.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

There are no major restrictions on political competition, and despite the lack of formal political parties, politicians have begun to form loose partisan affiliations in practice.

Lawmakers are also known to shift their allegiances; after former prime minister Pōhiva's death in 2019, four lawmakers who were associated with the Democratic Party of the Friendly Islands defected to the new Tonga People's Party, including founder Tu'i'onetoa, effectively leaving Democratic Party in opposition by year's end. During the January 2021 no-confidence vote, nobles were reluctant to cross the floor to join the Democratic Party in voting against the government, reportedly fearing further encroachments on their powers.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Rival coalitions led by Pōhiva's popularly elected allies and more conservative politicians from the nobility have alternated in government in recent years, though Tu'i'onetoa governed with support from a mixture of popularly elected and noble members. Sovaleni's election as prime minister in December 2021 represented another change of government, as his only opponent, 'Aisake Eke, was backed by the outgoing prime minister.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

The monarchy, the nobility, and the country's churches exert considerable political influence, but this has not prevented majority support for prodemocracy candidates in recent elections.

In the months leading up to the November 2021 elections, Tonga's king repeatedly expressed his displeasure with the performance of the parliament. In May, at the opening of a legislative session, he questioned lawmakers' honesty and transparency and accused them of failing to implement adequate policies on health, education, and the economy; the parliament responded by suspending the usual live radio broadcast of the debate following the king's speech. In September the king criticized officials for lack of action in response to the illegal drug trade, and in October he addressed a national symposium on the drug crisis, potentially signaling an increase in the monarch's political involvement.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women have the same formal political rights as men, but no women won seats in the November 2021 parliamentary elections, down from two in the previous legislature. One woman was appointed in December to serve as minister of foreign affairs and tourism in the new 12-member cabinet. Cultural biases tend to discourage women's political participation, and women cannot inherit noble titles, meaning the seats reserved for nobility in the parliament are effectively reserved for men.

Members of ethnic minority groups face similar obstacles, though the population is mostly homogeneous, and many members of the small Chinese minority have been able to obtain citizenship and its associated political rights.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The elected prime minister and his cabinet largely control the formulation and implementation of government policy, but the king continues to rely on the Privy Council—whose members he appoints himself—for advice regarding the use of his constitutional powers. The Privy Council operates like a shadow government, facilitating a continuing political role for the monarch.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption and abuse of office are serious problems. While public officials and leaders of state-owned companies are sometimes held to account for bribery and other malfeasance, anticorruption mechanisms are generally weak and lacking in resources.

In June 2021, Minister for Infrastructure and Tourism ‘Akosita Lavulavu and her husband, ‘Etuete Lavulavu, himself a former minister, were convicted of fraud for falsifying student documents to secure \$250,000 from the government for a private school they operated. They were sentenced to six years in prison in July, and an appeal was pending at year’s end. The prime minister notably continued to defend the couple after their conviction.

C3. Does the government operate with openness and transparency? 2 / 4

Tonga does not have a law to guarantee public access to government information, which can be difficult to obtain in practice, and officials are not legally obliged to disclose their assets and income. The government has at times resisted public scrutiny of pending policies or auditor general’s reports, and in his May 2021 speech to the parliament, the king alleged a lack of transparency surrounding government ministries and state-owned companies. The parliament generally operates openly, and the media and civil society are typically able to monitor its proceedings and comment on legislation, though lawmakers drew criticism for preventing a live radio broadcast of their debate following the king’s speech.

CIVIL LIBERTIES: 49 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 2 / 4**

The constitution guarantees freedom of the press, and a variety of news outlets operate independently, including online. However, politicians have a history of exerting pressure on the media in response to critical coverage.

In 2020, the Ministry of Communications imposed new regulations that prescribe fines for the publication or broadcast of “sensitive information,” a term that is vaguely defined. Journalists argued that the rules could enable the government to pressure media outlets and social media users and prevent them from raising sensitive political issues or critiquing the government.

In December 2020, the parliament passed a law on cyberbullying known as the Electronic Communication Abuse Offences Act, to which the king gave his formal assent in February 2021. The law called for fines and prison terms of up to three years for the use of a communication platform to abuse, harass, or otherwise harm another person, raising concerns that it could be enforced in a way that restricted journalistic activity or personal expression.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Constitutional protections for religious freedom are generally upheld in practice. Religious groups are not required to register, but those that do receive various benefits. There are some restrictions on commercial activity on Sundays in keeping with a constitutional recognition of the Christian sabbath.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally unrestricted. While there have been reports of self-censorship to avoid friction with the government in the past, no incidents of political interference have been reported in recent years. Among other higher educational institutions, Tonga

hosts one of the regional campuses of the University of the South Pacific as well as the late Tongan scholar Futa Helu's 'Atenisi Institute, which offers tertiary courses, and Christ's University, which is owned by the Tokaikolo Church. In September 2021, the parliament passed legislation to merge existing publicly owned tertiary institutions into Tonga's first national university.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government is not known to monitor personal communications. Though Tongans are generally able to discuss political issues without reprisal, critics saw the 2020 media regulations and the cyberbullying law signed in February 2021 as tools that could be used by authorities to limit expression on sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution protects freedom of assembly, and demonstrations in recent years have generally proceeded peacefully.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) have not reported harassment or other restrictions by the authorities, but the civil society sector in Tonga remains relatively small and has limited influence.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers have the legal right to organize in trade unions, but implementing regulations have never been issued, meaning the country's various de facto unions generally operate as associations. Related issues such as collective bargaining, strikes, and antiunion discrimination by employers are not specifically addressed by law. Tonga joined the International Labour Organization (ILO) in 2016.

F. RULE OF LAW: 12 / 16

F1. Is there an independent judiciary? 3 / 4

The king retains authority over judicial appointments and dismissals. The Judicial Appointments and Discipline Panel, a committee of the Privy Council, provides advice on appointments, including for the lord chancellor, who has responsibility for administering the courts. The king in Privy Council has final jurisdiction over cases in the land court relating to hereditary estates and titles.

The judiciary is regarded as largely independent, but the royally appointed attorney general has previously been accused of interfering with judicial rulings. Broader judicial reforms that would have increased the cabinet's influence over judicial appointments were adopted by the parliament in 2014, but the king never gave his assent.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process provisions and safeguards against arbitrary arrest and detention are typically respected by the authorities. However, there is no mechanism to guarantee access to counsel for indigent defendants.

The police commissioner, Stephen Caldwell, a New Zealander, retired in April 2021. His replacement, Lord Fielakepa, served in an acting role for the remainder of the year. The

Police Act of 2010 gives control over the appointment of the police commissioner to the king's Privy Council, which has raised tensions with elected officials.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Prison conditions are generally adequate, police brutality is rare, and crime rates remain relatively low. A number of police officers accused of misconduct have been investigated, dismissed, or convicted of crimes in recent years. However, public concern has increasingly focused on security problems including organized crime affecting the Chinese community, drug-related petty crime, and the country's growing role as a destination and production point—not just a transit point—for illegal drug trafficking.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The constitution includes a general provision for equality before the law, and this is upheld in many respects. However, women still face some forms of discrimination, including in land and inheritance laws and with regard to employment in practice.

Same-sex sexual activity is criminalized, though the ban is not actively enforced. The May 2021 murder of an LGBT+ rights activist prompted renewed calls for a repeal of the law; the man suspected of committing the murder pleaded guilty and was sentenced to life in prison.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no significant constraints on freedom of movement or the ability to change one's place of residence or employment. Beginning in March 2020, police enforced temporary movement restrictions to prevent the spread of COVID-19; the first confirmed case in the country was reported in October 2021, though there had been no community transmission by year's end.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework generally supports private business activity. However, individuals cannot own or sell land outright, as all land is technically the property of the king. Land rights, once granted by nobles or directly by the crown through an allotment system, can only be leased or inherited, and while women can obtain leases, they are not eligible to receive or inherit land allotments.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are typically respected. However, domestic violence remains a problem despite state and civil society efforts to prevent it, and girls as young as 15—the legal minimum age for marriage with parental permission—are sometimes compelled by their parents to marry. The law does not recognize same-sex marriages or unions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The population generally has access to economic opportunities and protection from abusive working conditions, though enforcement of labor laws is affected by resource limitations, and some employers have violated workers' rights.

Trinidad and Tobago

Population: 1,400,000

Capital: Port of Spain

Freedom Status: Free

Electoral Democracy: Yes

Overview: The Republic of Trinidad and Tobago is a parliamentary democracy with vibrant media and civil society sectors. However, organized crime contributes to high levels of violence, and corruption among public officials remains a challenge. Discrimination against LGBT+ people and violence against women persist, and human trafficking is a significant concern.

KEY DEVELOPMENTS IN 2021

- The January elections for Tobago's House of Assembly (THA) ended in a tie, with the People's National Movement (PNM) and the Progressive Democratic Patriots (PDP) each winning six seats. The national PNM-led government attempted to break the deadlock by enlarging the body via legislation. The PDP won a THA majority in a December rerun.
- The opposition United National Congress (UNC) attempted to impeach President Paula-Mae Weekes in October over the apparent withdrawal or suppression of a list of candidates for the post of police commissioner. The motion to impeach failed that month.

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, the largely ceremonial head of state, is elected to a five-year term by a majority in the combined houses of Parliament. Paula-Mae Weekes, an independent former judge, was elected unopposed in January 2018 and took office that March.

The prime minister, who serves as head of government and is typically the leader of the majority party in Parliament, is appointed by the president. Keith Rowley became prime minister in 2015, after that year's parliamentary elections resulted in a victory for his party, the center-right PNM. Rowley retained his position after the PNM won the general elections in 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Parliament consists of the directly elected 41-member House of Representatives and the 31-member Senate, with members of both houses serving five-year terms. Of the 31 senators, 16 are appointed on the advice of the prime minister, 6 are appointed on the advice of the opposition leader, and 9 are appointed at the president's discretion based on merit.

In the 2020 parliamentary elections, the incumbent PNM won 49 percent of the vote, securing 22 seats. The UNC took 47 percent of the vote and 19 seats.

The semiautonomous island of Tobago has its own THA, with 15 members elected directly, 3 appointed on the advice of the chief secretary (the island's head of government),

and 1 appointed on the advice of the minority leader. In the January 2021 elections, the PNM and the PDP, a local proindependence party, each won 6 seats, making for the first tie in the body's history; there were 12 elected members at that time. Subsequent efforts to elect a presiding officer or reach a power-sharing agreement failed. The Rowley government legislated to increase the number of directly elected THA seats to 15; a bill passed in March, while a related Elections and Boundaries Commission (EBC) report that addressed the new configuration passed in September. In a December rerun, the PDP won 14 seats and the PNM won 1, though the EBC received recount requests in 2 districts.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Electoral laws are largely fair. The EBC organizes elections and is generally trusted by the public to fulfill its mandate impartially. However, electoral reforms suggested by 2015 observer missions apparently went unimplemented ahead of the 2020 elections.

The Rowley government legislated to break the THA deadlock after the January 2021 elections by increasing the number of directly elected seats. The UNC opposed the government's efforts, calling for the use of existing methods to address the issue.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Several political parties operate in Trinidad and Tobago. While the PNM dominated the political landscape in the decades following independence, it has weakened in recent years; the national political arena is now largely divided between the PNM and the UNC, while the December 2021 elections in Tobago marked an end to the PNM's long-running dominance there.

Various factors, including the country's first-past-the-post voting system, have made it difficult for less established parties to gain seats in Parliament.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Rival parties consistently transfer power peacefully, with multiple changes in government through elections since the 1980s.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

People's political choices are generally free from external pressure. However, observers have raised concerns about lack of transparency in campaign financing, which may enable improper influence and disadvantage opposition parties.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All ethnic groups enjoy full political rights, and political parties are technically multiethnic, though the PNM is favored by Afro-Trinidadians and the UNC is affiliated with Indo-Trinidadians.

Women's political participation has increased somewhat in recent years, though they remain generally underrepresented. The speaker of the House of Representatives and 10 of the body's 41 members are women. In 2018, Paula-Mae Weekes became the first woman to

be elected president. In January 2021, Tracy Davidson-Celestine of the PNM became the first female party leader in Tobago.

Discrimination against LGBT+ people is widespread, affecting their ability to fully engage in political and electoral processes.

C. FUNCTIONING OF GOVERNMENT: 9 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Freely elected executive and legislative officeholders generally determine and implement government policies without undue interference.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a pervasive problem, especially within the police force and among high-ranking government officials and immigration officers. Several pieces of anticorruption legislation exist but are generally poorly enforced.

In 2019, former attorney general Anand Ramlogan and former senator Gerald Ramdeen, both of the UNC, were arrested on suspicion of money laundering; Ramlogan was accused of routing kickbacks and legal fees to outside lawyers during his tenure, while Ramdeen was accused of receiving some of the funds. The case remained open at the end of 2021.

Other cases of official corruption and mismanagement were revealed during 2021. In February, a government report identified corruption and financial mismanagement within the Water and Sewerage Authority. The government also investigated the possibly corrupt issuances of firearm licenses during the year.

C3. Does the government operate with openness and transparency? 3 / 4

Public officials are required to disclose their assets, income, and liabilities, but penalties against those who fail to comply are limited. The Integrity Commission, which is tasked with overseeing these financial disclosures, has been criticized for being ineffective.

The public has the right to access government documents by law, although numerous public institutions are exempt. Furthermore, there is no enforcement of a provision that requires the government to respond to information requests within 30 days. A 2015 law regulating public procurements was implemented in late 2020, but with significant exemptions.

President Weekes came under criticism over the apparent withdrawal or suppression of a list of candidates for the post of police commissioner in August 2021. UNC leader Kamla Persad-Bissessar moved for President Weekes's impeachment in October, but the motion failed that month.

CIVIL LIBERTIES: 49 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is constitutionally guaranteed and generally upheld in practice. Media outlets are privately owned and vigorously pluralistic. However, those regarded as most favorable to the government receive the bulk of state advertising. Under the 2013 Defamation and Libel Act, "malicious defamatory libel known to be false" is punishable by up to two years in prison as well as a fine, but prosecutions are uncommon.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and generally honored. Some restrictions are placed on foreign missionaries; up to 35 per registered religious group are allowed in the country at one time, and they cannot stay longer than three consecutive years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally upheld.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are free to express their opinions in private conversations. The government has historically refrained from monitoring online communications; however, the national police launched a Social Media Monitoring Unit charged with monitoring social networks to detect evidence of child pornography, prostitution, and human trafficking, in 2019.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, and the government generally respects this right. COVID-19 measures, which placed limits on the size and length of public gatherings, were imposed during 2021.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Civil society is robust, with a range of domestic and international groups operating freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Labor unions are well organized and politically active, though union membership has declined in recent years. Strikes are legal and occur frequently. The law contains a provision allowing the labor minister to petition the courts to end any strike deemed detrimental to national interests. Walkouts by workers considered essential, including hospital staff, firefighters, and telecommunication workers, are punishable by up to three years in prison and fines.

In December 2021, the government announced that a COVID-19 vaccine mandate for public-sector employees would be implemented in January 2022. Public-sector labor groups voiced their opposition to the mandate.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 3 / 4

The judicial branch is generally independent but is subject to some political pressure and corruption.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are constitutionally provided for but are not always upheld. Rising crime rates and institutional weakness have produced a severe backlog in the court system. Corruption in the police force, which is often linked to the illegal drugs trade, is endemic, and inefficiencies have resulted in the dismissal of some criminal cases. Intimidation of witnesses and jurors has been reported by judicial officials.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The government has struggled to address criminal violence, which is mostly linked to organized crime and drug trafficking. The US State Department issued a travel advisory for Trinidad and Tobago during 2021, urging “increased caution due to crime, terrorism, and kidnapping.” In April, Parliament passed a law meant to combat criminal gang activity.

The national police reported 448 murders in 2021, while 396 were reported in 2020.

Police have been criticized for excessive use of force.

Trinidadians have reportedly sought to join the Islamic State (IS) militant group in recent years.

Death penalties are mandatory in murder cases, though no executions were carried out in 2021. In November, the London-based Privy Council heard a case on the penalty’s constitutionality from a man who had received a death sentence in 2011; its ruling was pending at year’s end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Despite legal protections against discrimination on various grounds, racial disparities persist, with Indo-Trinidadians accounting for a disproportionate share of the country’s economic elite. Women continue to face discrimination in employment and compensation.

Human rights groups have criticized the government’s unwillingness to address discrimination and violence against LGBT+ people. However, in 2018, the High Court ruled that the provisions of the Sexual Offences Act that criminalized same-sex relations were unconstitutional. The government vowed to appeal that ruling to the Privy Council; the case remains pending.

Immigration law does not adequately protect refugees, and Trinidad specifically lacks a system to process asylum claims. As many as 40,000 Venezuelan asylum seekers and refugees have entered the country in recent years, but authorities regularly seek to detain and deport these individuals as illegal immigrants, including those who registered their status with the Office of the UN High Commissioner for Refugees. Local courts have intervened to block deportations. Officials have espoused derogatory rhetoric when discussing refugees. There are regular reports of Venezuelans drowning en route to Trinidad and Tobago.

Trinidadians were among those held by Kurdish forces in the Al-Hol camp in Syria, after the IS lost its territorial holdings there in 2019. Some 24 women and 70 children reportedly remained in Syrian camps as of July 2021. Family members of 12 Al-Hol detainees sought judicial review to force their repatriation, but the High Court ruled that the government could not be compelled to facilitate their return in April.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Trinidadians and Tobagonians do not face significant constraints on freedom of movement or on their ability to change their place of residence, employment, or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

While the government actively supports both domestic and foreign investment in the country, corruption and weak state institutions can make it more difficult to start and operate businesses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Most individual rights with respect to personal status issues like marriage and divorce are protected by law. The 2017 Marriage Act raised the legal marriage age to 18, officially making child marriage illegal.

Rape, including spousal rape, is illegal, and domestic violence is addressed by specific legislation. However, enforcement of these provisions remains inadequate. Other forms of gender-based violence occur; 47 women and girls were murdered in the first 11 months 2020, while a majority of missing persons at the time were women. A bill decriminalizing pepper spray was passed by the Senate in May 2021 and by the House of Representatives in June.

Abortion is illegal in most cases, and there is reportedly little public awareness of legal exemptions for abortions to save a woman's life or preserve her physical or mental health. A woman can be imprisoned for up to four years for obtaining an illegal abortion.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides basic protections against exploitative working conditions, though these do not apply or are poorly enforced for informal and household workers in particular. While the government has stepped up efforts to combat human trafficking, convictions have been lacking, and funding for services to trafficking survivors has been cut. Venezuelan women are especially vulnerable to sex trafficking.

The US State Department's *Trafficking in Persons Report 2021* noted that a group of police officials and officials in other parts of government were suspected of involvement in trafficking, though no criminal investigation was launched against the latter group.

Tunisia

Population: 11,800,000

Capital: Tunis

Freedom Status: Free

Electoral Democracy: Yes

Status Change: Tunisia's status declined from Free to Partly Free because President Kaïs Saïed unilaterally dismissed and replaced the elected government, indefinitely suspended the parliament, and imposed harsh restrictions on civil liberties to suppress opposition to his actions.

Overview: After the ouster of a longtime autocrat in 2011, Tunisia began a democratic transition, and citizens now enjoy considerable political rights and civil liberties. However, endemic corruption, economic challenges, security threats, and unresolved problems related to gender equality and transitional justice remain obstacles to full democratic consolidation. Recent emergency measures imposed by President Kaïs Saïed, including a suspension of the elected parliament, have created deep uncertainty about the future of Tunisian democracy.

KEY DEVELOPMENTS IN 2021

- During the first half of the year, public frustration increased in response to an ongoing economic crisis, mismanagement of the COVID-19 pandemic, and political and institutional rivalry among President Kaïs Saïed, Prime Minister Hichem Mechichi, and parliament speaker Rached Ghannouchi.
-

- Street demonstrations supporting and opposing different factions escalated, and countrywide protests in late July demanded the resignation of the government and parliament. Some of these protests turned violent, as participants burned or stormed the offices of Ghannouchi's Ennahda party in several cities.
- On July 25, President Saïed announced a number of emergency measures, including suspension of the parliament, the dismissal of Prime Minister Mechichi, the repeal of lawmakers' immunity, an expanded curfew, and a ban on public demonstrations. He cited Article 80 of the constitution, which allows the president to take necessary measures in the event of an imminent threat to the country's institutions, security, or independence, though the article also requires consultation with the prime minister and parliament speaker and prohibits dissolution of the parliament, among other constraints. In the absence of a Constitutional Court, whose creation remained stalled, there was no independent body capable of adjudicating the constitutionality of Saïed's actions. Public opinion polls in the months following July 25 found significant popular support for the president.
- In late August, Saïed extended the emergency measures, and in October, he announced a new prime minister and government, swearing them in without parliamentary approval.
- In December, Saïed announced plans for a constitutional revision process that would involve online public consultation, culminating in a referendum in July 2022. He also announced plans to hold parliamentary elections in December 2022. Major civil society organizations, including the General Tunisian Labor Union (UGTT), criticized this timeline, describing Saïed's plan as insufficient to protect democracy. In the meantime, security forces prevented members of parliament from gathering at their headquarters, and political figures who were critical of Saïed faced arrest warrants and travel bans.

POLITICAL RIGHTS: 26 / 40 (-6)

A. ELECTORAL PROCESS: 9 / 12 (-3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4 (-1)

The 2014 constitution lays out a semipresidential system in which a popularly elected president serves as head of state and exercises circumscribed powers, while the majority party in the parliament selects a prime minister, who serves as head of government, following parliamentary elections. The president is directly elected for up to two five-year terms.

The last presidential election took place in October 2019, following the death of President Beji Caid Essebsi that July. Kaïs Saïed, an independent candidate and former constitutional law professor who received an endorsement from the Islamist Ennahda party, won an October runoff against opponent Nabil Karoui with 73 percent of the vote. Karoui spent most of the campaign in prison on money laundering and tax evasion charges. Local observers concluded that the election was generally competitive and credible, but raised some concerns about Karoui's inability to campaign while in prison.

President Saïed took the unilateral decision to dismiss Prime Minister Hichem Mechichi in July 2021, and in October he installed a new government headed by Prime Minister Najla Bouden without parliamentary approval.

Score Change: The score declined from 4 to 3 because President Saïed unilaterally dismissed the elected prime minister and named a replacement without consulting the parliament.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (-2)

Tunisia's 2014 constitution established a unicameral parliament, the 217-seat Assembly of the Representatives of the People (ARP); 199 members are directly elected in domestic multimember constituencies, while 18 represent multimember constituencies abroad via a party-list system. All members serve five-year terms.

The most recent legislative elections took place in October 2019. International and national observers declared the elections to be generally competitive and credible. Ennahda placed first with 52 seats, Karoui's Qalb Tounes (Heart of Tunisia) party took 38 seats, the progressive Democratic Current took 22, and Al-Karama (Dignity) Coalition took 21. The remaining seats were won by 11 other parties and 17 independent candidates. After a period of political gridlock, Elyes Fakhfakh became prime minister in February 2020. Hichem Mechichi succeeded Fakhfakh in July 2020, after a corruption scandal forced his resignation. A cabinet reshuffle approved by the parliament in January 2021 was rejected by President Saïed, whose allies were among the ministers slated for dismissal.

On July 25, President Saïed suspended the parliament and dismissed Mechichi over the objections of the Ennahda party and parliament speaker Ghannouchi. The president also revoked lawmakers' legal immunity, and several members later faced house arrest or detention and trials in military courts. Though Ghannouchi declared the parliament to be in session on October 1, lawmakers were prevented by security forces from gathering in the parliament building. The parliament remained suspended and unable to assemble at year's end.

Score Change: The score declined from 4 to 2 due to the president's unilateral suspension of the parliament.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The Independent High Authority for Elections (ISIE), a nine-member commission, is tasked with supervising parliamentary and presidential elections. Since its inception in 2011, the ISIE's political independence and conduct of elections have been well regarded by Tunisian and international observers. In 2019, the ISIE successfully oversaw the early presidential election, including a televised debate between the two candidates in the second round, as well as parliamentary elections.

In December 2021, President Saïed announced his intention to hold a referendum on a revised constitution in July 2022 and parliamentary elections in December 2022. While no details had been released by year's end, Saïed was known to prefer a constitutional model in which directly elected local councils would select representatives for a weak national legislature. It remained unclear how the ISIE would participate in reforms of the electoral framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16 (-1)**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)**

Tunisia's numerous political parties represent a wide range of ideologies and interests. Though parties have generally been free to form and operate in the post-2011 period, recent events have called these freedoms into question. After the suspension of parliament and parliamentary immunity on July 25, 2021, some lawmakers and political figures were subjected to repressive measures including travel bans, detention, and house arrest. Critics of Saïed with diverse political leanings, including Seifeddine Makhlouf and Abdellatif Aloui of

Al-Karama and independent Yassine Ayari, faced unexpected arrests based on old charges. In the first month after July 25, Amnesty International counted at least 50 people who received “arbitrary” travel bans. In November, Tunisian authorities issued an international arrest warrant for former president Moncef Marzouki, who had been publicly critical of Saïed, on charges of “undermining the external security of the state.” Marzouki remained in France, where authorities declined to extradite him to Tunisia. In late December, former justice minister Nouredine Bhiri and former Interior Ministry official Fathi Baldi were detained by plainclothes officers on unspecified charges; according to Human Rights Watch, Bhiri was the first high-ranking Ennahda member to be placed in custody since the 2011 revolution.

Score Change: The score declined from 4 to 3 because a number of political figures who criticized the president's actions faced arrests or travel bans.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties participate competitively in political processes, and the 2019 elections demonstrated that new parties and independents can win office and enter government. President Saïed is not affiliated with a political party, nor are the two most recent prime ministers, Mechichi and Bouden. It remained unclear at the end of 2021 how Saïed's actions since July 25 would affect the potential for future rotations of power.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

Voters are generally able to exercise their political choices without undue interference. However, campaign-finance laws are complex and often unclear, and parties occasionally bend, if not break, the rules in order to campaign effectively. Domestic economic oligarchies have a high degree of influence over politics. Foreign groups also reportedly supply funds to preferred parties and candidates, though these channels of support are opaque.

In 2021, the president's critics accused him of colluding with the regimes of the United Arab Emirates and Egypt to carry out his seizure of power, particularly in light of their common enmity toward Ennahda. Alliances between Tunisian political factions and foreign actors, and corresponding accusations of proxy status, have been a common feature of Tunisian politics since 2011. However, the precise nature of foreign influence on the events of 2021 remained unclear.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Nongovernmental organizations (NGOs) and international organizations have worked to increase the political participation of marginalized groups. A 2017 law requires an equal number of men and women at the top of candidate lists, as well as at least one candidate with a disability and three people under the age of 35 on each list. Representation of women in subsequent elections has been high, and legislation aimed at protecting the rights of women has been passed. Fifty-four women held parliamentary seats after the 2019 elections. Eleven women and one openly gay man requested nomination to stand as candidates in the 2019 presidential election.

The Amazigh ethnic community is underrepresented in electoral politics, but the first party to address their interests, the Akal Movement, was formed in 2019.

Despite these positive developments, some segments of the population still lack full political rights. Only Muslims may run for president. Societal discrimination and laws

criminalizing same-sex sexual activity exclude many LGBT+ people from active political participation, and political parties largely fail to address LGBT+ issues.

C. FUNCTIONING OF GOVERNMENT: 4 / 12 (-2)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (-2)

Conflict over the division of powers between the legislative and executive branches has undermined policymaking and governance since 2011. Late president Essebsi manipulated the national budget in such a way that the parliament was deeply underfunded, leaving it with limited ability or resources to craft legislation on its own or check executive authority. Clashes between the executive and legislative branches continued under Saïed, culminating in his emergency powers declaration on July 25, 2021. The move to suspend the parliament effectively allowed Saïed to rule by decree, with elected lawmakers playing no role. The new government of Prime Minister Bouden took office in October without the constitutionally required approval from parliament, and it remained responsible only to the president.

Score Change: The score declined from 3 to 1 because the president's suspension of the parliament left national legislative representatives entirely unable to influence government formation or policymaking.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Anticorruption legislation has historically been considered weak. The Economic Reconciliation Law of 2017 effectively offered amnesty for those implicated in corruption under the pre-2011 regime of Zine el-Abidine Ben Ali, but it was amended due to public disapproval.

The National Commission for the Fight against Corruption (INLUCC) was established in 2011, and a permanent body, the Commission on Good Governance and the Fight against Corruption (IBGLCC), was meant to replace it under the 2014 constitution. While legislation intended to establish the IBGLCC was passed in 2017, the new body remained inactive. INLUCC thus continued its operations, though with inadequate funding and little authority to compel legal action. Political conflict surrounding the commission escalated in 2021. In June, Prime Minister Mechichi dismissed INLUCC president Imed Boukhris after Boukhris made corruption allegations against several ministers appointed by Mechichi in his January cabinet reshuffle. Mechichi's move to replace Boukhris with judge Imed Ben Taleb drew criticism from civil society organizations, including the anticorruption group I Watch, which had filed a lawsuit against Ben Taleb in 2020. President Saïed rejected the appointment, leading to further conflict over the division of executive powers. INLUCC headquarters were shuttered by police in August, though some operations continued. Separately, Chawki Tabib, a former INLUCC president who had been dismissed in 2020, was placed under house arrest for several weeks between August and October 2021.

In this context of weak enforcement, charges of corruption have significantly shaped recent elections and political dynamics. Nabil Karoui, the 2019 presidential candidate, spent much of the campaign period detained on suspicion of money laundering and tax evasion. (Karoui was released in June 2021, then detained in September by Algerian authorities on a charge of illegally crossing the border.) In July 2020, then prime minister Fakhfakh was forced to resign over a report that he held stakes in firms that were involved with public contracts. President Saïed justified his seizure of power in July 2021 in part by arguing that it was necessary to uproot corruption in the political establishment. The subsequent travel bans and arrest warrants against political figures and businessmen led critics to accuse Saïed of instrumentalizing anticorruption efforts to eliminate his political enemies.

C3. Does the government operate with openness and transparency? 2 / 4

A 2016 freedom of information law was criticized by watchdog groups for its security-related exemptions. Cabinet ministries often refuse public requests for information. Members of the government frequently craft policy behind closed doors, without input from other parties or citizens. Al-Bawsala, a nonprofit organization that promotes transparency and accountability, has criticized ruling elites from all parties over their lack of responsiveness to the public, particularly during the COVID-19 pandemic.

A 2018 law requires the president, ministers, and high-level public officials, among others, to declare their assets to INLUCC; penalties for violating the law include large fines and prison terms of up to five years. Members of the Bouden government reportedly declared their assets in October 2021.

President Saïed's centralization of power after July 2021 led to a lack of transparency regarding official decision-making, actions by law enforcement agencies, and the future direction of the country. Journalists' groups criticized the new government's attempts to limit and control officials' interactions with the press.

CIVIL LIBERTIES: 38 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16****D1. Are there free and independent media? 2 / 4**

The constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions. Many independent outlets operate, including several online news sites that have launched since the 2011 revolution. However, it is difficult to obtain data about the ownership of media companies, their audiences, or the allocation of public advertising, and press freedom advocates have expressed concern about significant political influence on a number of major private outlets.

Journalists have faced increasing pressure and intimidation from government officials in connection with their work. Security forces closed the Tunis office of Qatar's Al-Jazeera news service on the day after Saïed declared his exceptional powers in July 2021. Reporters Without Borders noted several instances of harassment and detention of journalists in the days leading up to Saïed's announcement of a new government. The National Syndicate of Tunisian Journalists held protests against a trend of referring journalists and activists to military courts. Reporters covering the security forces or protests are particularly vulnerable to harassment, physical abuse, and arrest. In September 2021, employees of the digital content firm Instalingo were interrogated in connection with content that was critical of normalizing diplomatic relations with Israel. The television channel Zitouna, which is often associated with Ennahda, was raided in October after a host read an antidictatorship poem.

In addition to journalists, political bloggers have been prosecuted under insult and defamation laws. In May 2021, blogger Salim Jebali was arrested for criticizing the president on social media.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution calls for freedom of belief and conscience for members of all religions, as well as for the nonreligious, and bans campaigns against apostasy or incitement to hatred and violence on religious grounds. However, blasphemy remains illegal, and police may invoke it as a pretext for arrests. Islam is enshrined as the only religion of the state, and Islamic education remains a required component of the curriculum in public schools. Converts to Christianity often experience harassment and discrimination.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Article 33 of the constitution explicitly protects academic freedom, which has improved in practice since 2011. However, self-censorship by academics persists in some instances. Students have reported being unable to pursue dissertation research on topics including sexuality and gender identity, or to engage in critiques of Islam's role in violent extremism.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is generally open and free, though there is some fear of reprisals for speech on certain topics, including criticism of the military. The criminal ban on same-sex sexual activity discourages open discussion of issues affecting LGBT+ people.

Social media users have faced a growing risk of prosecution for posts that are critical of the president and government policies, though most of those targeted have accounts with large audiences. Users who posted on political topics also reported online harassment and hacking attempts in 2021.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (-1)**E1. Is there freedom of assembly? 2 / 4 (-1)**

The constitution guarantees the rights to assembly and peaceful demonstration. Public protests on political, social, and economic issues are frequent and well-attended. However, a 2015 counterterrorism law and successive states of emergency have imposed significant constraints on such gatherings. A state of emergency allows security forces to ban strikes, meetings, and large gatherings considered likely to incite disorder.

Following large and sometimes violent antigovernment protests in late July 2021, during which some participants burned or stormed Ennahda offices in several cities, President Saïed as part of his emergency powers declaration imposed a ban on public gatherings, an extensive curfew, and restrictions on travel between cities outside curfew. Even prior to July, freedom of assembly was curtailed under COVID-19-related emergency measures, including a nightly curfew.

The year also featured a pattern of police violence against protesters. Officers at various times used batons, tear gas, and armored vehicles against protesters in the capital and in the southern and interior regions. At least one man died as police violently dispersed a protest in January. In November, police in Agareb used extreme violence against demonstrators protesting against the government's decision to reverse the closure of a toxic waste dump.

Score Change: The score declined from 3 to 2 because authorities used excessive force in response to protests during the year, and President Saïed imposed curfews and other assembly restrictions beginning in July.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

A 2011 decree guarantees the freedom for NGOs to operate and outlines procedures governing the establishment of new groups. Tens of thousands of new NGOs began operating after the revolution, holding conferences, trainings, educational programs, and other events throughout Tunisia in subsequent years.

However, a 2018 law effectively equates NGOs with businesses and requires them to submit to onerous reporting requirements beyond those codified in the 2011 decree. Under the law, all NGOs (and businesses) are required to register with a National Registry of

Institutions, and to provide data on staff, assets, decisions to merge or dissolve, and operations. Failure to register may result in a year of imprisonment and a fine. Critics of the rules argue that they increase state monitoring and oversight of civil society. Registration applications can be denied at the discretion of the Council of the National Registry.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The constitution guarantees the right to form labor unions and to strike. Large-scale strike actions have occurred across all sectors of the economy since the revolution, with participants demanding labor reform, better wages, and improved workplace conditions. Unions have reported that some employers take steps to discourage union activities, including the dismissal of union activists.

The UGTT is the predominant union organization, though independent unions also exist. The UGTT has played a significant role in brokering political agreements during moments of crisis since 2011. In late 2021, after initially voicing support for many of President Saïed's actions, the union pressed him to move toward broader dialogue and early elections.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

While the constitution calls for an independent judiciary, judicial reform has proceeded slowly since the 2011 revolution, with numerous Ben Ali-era judges remaining on the bench and successive governments regularly attempting to manipulate the courts. Legislation adopted in 2016 established the Supreme Judicial Council, a body tasked with ensuring the independence of the judiciary and appointing a third of the Constitutional Court judges. Council members were elected that year by thousands of legal professionals. However, a December 2021 report from the Middle East and North Africa director of the International Commission of Jurists accused Tunisian authorities of failing to adopt reforms that would uphold the judiciary's independence and empower the Supreme Judicial Council, as required by earlier laws on transitional justice.

The Constitutional Court, whose role is to evaluate the constitutionality of decrees and laws, had yet to be established in 2021. The parliament's efforts to press forward with the court's formation were rebuffed by President Saïed in the first half of the year, adding to the broader political impasse between the executive and legislature. The absence of a Constitutional Court complicated debate over the constitutionality of Saïed's emergency measures.

Since July 2021, the president has faced criticism from the legal community for his assertion of authority over the functioning of the courts and statements calling for the "purification" of the judiciary. While the details of any planned reforms had yet to be disclosed at year's end, the statements reportedly contributed to a hostile climate for judges, including on social media.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Though civil and criminal procedures have improved significantly since the time of Ben Ali, a state of emergency in place since 2015 and renewed repeatedly has given police broad license to arrest and detain people on security- or terrorism-related charges, and arbitrary arrests continued to take place during the year. Civilians are still tried in military courts, particularly on charges of defaming the army. Those targeted for military trials in 2021 included lawmakers, businessmen, journalists, and bloggers.

In 2014, Tunisia established a Truth and Dignity Commission (IVD) to examine political, economic, and social crimes committed since 1956, and it soon began collecting testimony. In early 2018, the parliament voted against extending the commission's mandate,

a decision that drew criticism from rights activists for weakening transitional justice efforts. The commission presented its final report in 2019 and officially published it in 2020, drawing on over 62,000 complaints filed by Tunisian citizens against the state for human rights abuses. Tunisian courts began reviewing 69 indictments and 131 referrals from the IVD, but the president's emergency measures in 2021 created uncertainty about the future of the transitional justice process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Physical security has threatened by periodic terrorist attacks in recent years, including some claimed by the Islamic State (IS) militant group.

The police force is the subject of long-standing complaints about officers abusing civilians and detainees with impunity, and the police unions have resisted reform efforts aimed at addressing the problem. Several well-publicized instances of police abuse and harassment were caught on video in 2021. Victims included a shepherd in Siliana Governorate, a young man in the Tunis neighborhood of Sidi Hassine who was publicly stripped and beaten by police, and another Sidi Hassine man who died in police custody. These events triggered large protests against police violence, which in turn faced repression by riot police.

While some offenses can still draw the death penalty under Tunisian law, the authorities have not carried out an execution since 1991.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The constitution prohibits all forms of discrimination and calls for the state to create a culture of diversity. However, LGBT+ people continue to face legal discrimination. Same-sex sexual activity remains illegal, with the penal code calling for prison sentences of up to three years for “sodomy”; this law has been enforced in practice in recent years. Although the constitution guarantees gender equality, women experience discrimination in employment, and sexual harassment in public spaces remains prevalent.

Tunisia has no asylum law, leaving the United Nations as the sole entity processing claims of refugee status in the country. Irregular migrants and asylum seekers are often housed in informal detention centers, where they suffer from substandard living conditions. Delays in the issuance of residency permits make it impossible for many to work legally, forcing them to take informal jobs with no labor protections. The reported handover of an Algerian refugee in Tunisia to Algerian authorities in 2021 raised concerns about the safety of refugees in the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The constitution guarantees freedom of movement within the country, as well as the freedom to travel abroad. In 2017, lawmakers approved measures that require authorities to go through more rigorous processes in order to issue travel bans or restrict passports. However, authorities have broad license under the state of emergency to restrict individuals' movement without initiating formal charges, and thousands of people have been affected by such orders. Freedom of movement has also been hampered by COVID-19-related measures since 2020, with some restrictions enforced by the military. Separately, human rights groups criticized the travel bans imposed after the president's seizure of power in July 2021 as arbitrary restrictions on freedom of movement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The protection of property rights and the freedom to operate businesses are impeded in part by high levels of corruption and a large court backlog of property disputes.

Under existing law, women are granted half the share of inheritance that men receive, and efforts to establish gender equality in inheritance rights have failed to make progress in the parliament.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women's rights. In 2017, the Justice Ministry repealed a decree that had banned Tunisian women from marrying non-Muslim men. However, women face high rates of domestic abuse. The 2017 Law on Eliminating Violence against Women addressed domestic violence and included language intended to protect women from harassment in public and from economic discrimination. The law's implementation has been limited by a shortage of trained agents to handle complaints, pressure on women from some agents to avoid taking abusive husbands to court, and logistical barriers to reporting abuse.

Public displays of affection can lead to charges of violating public morality laws, which carry penalties including jail time.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Despite efforts by civil society groups to combat such problems, Tunisian women and children are subject to sex trafficking and forced domestic work in both Tunisia and abroad. Refugees and other migrants are also susceptible to exploitation by traffickers. Cases of exploitation in the agriculture and textile sectors are prevalent; women often work long hours with no contracts, benefits, or legal recourse.

Recent protests have called attention to the lack of economic opportunity for average Tunisians due to high inflation, high unemployment, and a dearth of meaningful reform to address such issues. Protests throughout 2021 highlighted the continued problem of regional economic inequality, with marginalization, underdevelopment, unemployment, and deteriorating conditions plaguing the country's interior.

The COVID-19 pandemic has, by many measures, exacerbated Tunisia's social and economic challenges. According to the World Bank, unemployment increased from 15 percent prior to the pandemic to 17.8 percent by the end of the first quarter of 2021. Unemployment was particularly high among women (24.9 percent) and young people (40.8 percent for those aged 15–24).

Turkey

Population: 83,800,000

Capital: Ankara

Freedom Status: Not Free

Electoral Democracy: No

Overview: President Recep Tayyip Erdoğan's Justice and Development Party (AKP) has ruled Turkey since 2002. After initially passing some liberalizing reforms, the AKP government

showed growing contempt for political rights and civil liberties and has pursued a wide-ranging crackdown on critics and opponents since 2016. Constitutional changes in 2017 concentrated power in the hands of the president, removing key checks and balances. While Erdoğan continues to dominate Turkish politics, a deepening economic crisis and opportunities to further consolidate political power have given the government new incentives to suppress dissent and limit public discourse.

KEY DEVELOPMENTS IN 2021

- In January, President Erdoğan appointed a political ally as the rector of Turkey's top-ranking Boğaziçi University, prompting months-long protests by students and faculty that the police violently dispersed on multiple occasions. Erdoğan ultimately removed the rector in July, only to replace him the next month with a different political ally.
- In June, the Constitutional Court accepted a case to shut down the country's second-largest opposition party, the Peoples' Democratic Party (HDP). The charges accuse the HDP of having links to terrorism and threatening Turkey's territorial unity. Meanwhile, arrests of HDP officials carried out during the year added to the thousands of party members who have been detained since 2016.
- In March, President Erdoğan unilaterally withdrew Turkey from the Istanbul Convention, an international treaty to combat gender-based violence, sparking outrage from domestic and international advocacy groups and foreign governments. Turkey's opposition parties and most of the population remain opposed to the move, and civil society groups have attempted to appeal it as unconstitutional.
- Osman Kavala, Turkey's most prominent political prisoner, continued to have his due process rights denied throughout the year. In January, an appeals court revoked his 2020 acquittal, ostensibly because some evidence had been excluded from court. Authorities rearrested him in February under newfound charges of allegedly aiding a coup attempt and supporting terrorism. As of the end of 2021, Kavala remained in detention, despite a 2019 order by the ECHR for his immediate release.

POLITICAL RIGHTS: 16 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

A 2017 constitutional referendum instituted a new presidential system of government in Turkey, eliminating the role of prime minister and making the president the chief national authority. The president is directly elected for up to two five-year terms but is eligible to run for a third term if the parliament calls for early elections. President Erdoğan has retained a dominant role in government since moving from the post of prime minister to the presidency in 2014. The 2017 constitutional changes granted the presidency newly expanded executive powers and eliminated the role of prime minister.

The snap June 2018 elections, originally scheduled for November 2019, were held under a state of emergency, in place after the 2016 coup attempt. Erdoğan, who leads the AKP, won a second term, earning 52.6 percent of the vote in the first round. Muharrem İnce of the opposition Republican People's Party (CHP) won 30.6 percent. Selahattin Demirtaş of the HDP won 8.4 percent, while Meral Akşener of the nationalist İyi Party won 7.3 percent; other candidates won the remaining 1.1 percent. Because Erdoğan's first term ended early, he is eligible for a third term in 2023, which would last until 2028.

The Organization for Security and Co-operation in Europe (OSCE) strongly criticized the election, reporting that electoral regulators often deferred to the ruling AKP, and that state-run media favored the party in its coverage. The OSCE also noted that Erdoğan repeatedly accused his opponents of supporting terrorism during the campaign.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The Grand National Assembly, the unicameral parliament that was expanded by the 2017 referendum, has 600 seats. Lawmakers are elected to five-year terms by proportional representation. Parties must earn at least 10 percent of the national vote to join the parliament, an unusually high threshold by global standards.

In the 2018 elections, the AKP joined with the far-right Nationalist Movement Party (MHP) to form the People's Alliance, which won 53 percent of the vote, resulting in 344 seats. The main opposition CHP allied with İyi Party and two smaller parties to form the Nation's Alliance, which took 34 percent of the vote and 189 seats. The HDP entered the race alone and won 11 percent of the vote, which equaled 67 seats.

The OSCE found that the 2018 elections were marred by the AKP's misuse of state resources to gain an electoral advantage as well as an intimidation campaign against opposition parties. Reports of irregularities such as proxy voting were prevalent in the south and southeast, the HDP's stronghold.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The judges of the Supreme Electoral Council (YSK), who oversee all voting procedures, are appointed by AKP-dominated judicial bodies and often defer to the AKP in its decisions; in May 2019, it ordered a rerun of the Istanbul mayoral election. The CHP candidate Ekrem İmamoğlu had narrowly won the race in the March election, but the YSK scrapped the result based on selective technicalities. İmamoğlu won the second vote that June, increasing his margin of victory over the AKP candidate.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Turkey maintains a multiparty system, with five major parties in the parliament. However, the rise of new parties is inhibited by the 10 percent vote threshold for parliamentary representation—an unusually high bar by global standards. Parties can bypass this threshold by forming electoral alliances. Parties can be disbanded for endorsing policies that are not in agreement with constitutional parameters, and Turkey's Constitutional Court has a history of banning Kurdish and Islamist political parties for violating the constitution.

Members of the HDP have faced regular politically motivated prosecutions since 2015, after a peace process with the outlawed Kurdistan Workers' Party (PKK) collapsed and the government accused the HDP of serving as a proxy for the PKK, which is designated as a terrorist organization. The HDP's offices have since then been regularly attacked by far-right, anti-Kurdish mobs. In 2016, the government removed parliamentary immunity, and many HDP lawmakers—including former co-chair Demirtaş—have since been jailed on terrorism charges. In March 2021, HDP lawmaker and prominent human rights activist Ömer Faruk Gergerlioğlu was expelled from Parliament after he was convicted on

terrorism charges. The Constitutional Court eventually revoked his conviction, and he reentered Parliament in July.

In June 2021, the Constitutional Court accepted a case to shut down the country's second-largest opposition party, the Peoples' Democratic Party (HDP). The charges accuse the HDP of having links to terrorism and threatening Turkey's territorial unity.

While HDP members face the most significant obstacles, other opposition leaders have also experienced politically motivated prosecutions and violent attacks. CHP lawmakers have also been arrested and expelled from parliament, and the party's chair has faced physical attacks during rallies. In August 2021, the İyi Party Chair Meral Akşener was attacked during a political rally in Sivas.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

President Erdoğan and the ruling AKP assert partisan control over the YSK, judiciary, police, and media. They aggressively used these institutional tools to weaken or co-opt political rivals in recent years, severely limiting the opposition's ability to build voter support and gain power through elections.

The 2019 municipal elections, in which the opposition won control of most major urban centers, including Ankara and Istanbul, suggested there remains space for the opposition to make progress despite the AKP's institutional advantages. Yet opposition leaders continue to face obstacles even after winning elections. The government has replaced dozens of HDP mayors with "trustees" since the 2019 election and obstructed several newly elected CHP mayors—including Istanbul Mayor İmamoğlu—from carrying out their duties.

The government has arrested and charged opposition leaders, accusing them of offenses ranging from terrorism to insulting the president. In December 2021, Turkey's ministry of interior launched a "special investigation" into hundreds of staff at the Istanbul municipal government for alleged links to militant groups, which Mayor İmamoğlu strongly criticized as a politically motivated form of harassment.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

While Turkey's military has a history of intervening in political affairs, the civilian leadership has asserted its control over the military in the last decade. However, the AKP's institutional dominance threatens to make the state itself an extension of the party that can be used to change political outcomes. The government's influence over the media also tilts the playing field heavily in favor of the ruling party; media networks allocate only a fraction of their campaign coverage of Erdoğan and the AKP to opposition leaders.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Critics charge that the AKP favors Sunni Muslims, pointing to an overhaul of the education system that favored Islamic education in secular schools and promoted the rise of religious schools in the 2010s. The AKP also expanded the Directorate of Religious Affairs, using this institution as a channel for political patronage. Among other functions, the party uses the directorate to deliver government-friendly sermons in mosques in Turkey, as well as in countries where the Turkish diaspora is present.

While the Kurds, Turkey's largest ethnic minority, officially have political representation, pro-Kurdish parties face regular harassment by the government through hate speech, politically motivated prosecutions, and disinformation in progovernment media.

While members of Turkey's non-Sunni Alevi community and non-Muslim religious minorities hold seats in the parliament, the government's crackdown on opposition parties, where they are concentrated, has seriously harmed their political rights and electoral opportunities.

Women remain underrepresented in politics and in leadership positions in government. They occupy 104 parliamentary seats, or 17 percent of the assembly. A handful of openly LGBT+ candidates have run for office. Sedef Çakmak of the CHP was elected to Istanbul's city council as the first openly gay elected official, and the HDP supported Turkey's first openly gay parliamentary candidate in 2015. Still, LGBT+ people remain politically marginalized, and the government uses public morality laws to restrict advocacy for LGBT+ rights.

Refugees in Turkey, including an estimated 4 million Syrians, do not have political rights and although some refugees have gained citizenship in recent years, public opinion remains strongly against a path for citizenship.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Erdoğan controls all executive functions, rules by decree, and makes all meaningful policy decisions. Since 2016, he has used presidential decrees to overhaul Turkey's key ministries and agencies, purging tens of thousands of civil servants in law enforcement and the ministries of justice, education, and foreign affairs, among others, replacing them with political loyalists. With his leadership of the AKP, which dominates the parliament, he has effective control over the legislature, whose capacity to provide policy contributions has greatly eroded under the new system. Erdoğan's close allies dominate Turkey's most important ministries and until November 2020, the finance minister was his son-in-law.

Erdoğan abuses his decree powers to frequently intervene against ministries and independent bodies that defy his wishes. Between 2019 and 2021, Erdoğan abruptly fired and replaced the head of the central bank three times due to policy disagreements; his most recent appointee, in March 2021, is a former AKP lawmaker. Less than seven months later, Erdoğan fired three top bank executives, including two deputy governors, by decree in the middle of the night. The moves prompted a rare and strong backlash from Turkey's top business association, which called on the president to respect the independence of the central bank.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a major problem in Turkey, including at the highest levels of government. Enforcement of anticorruption laws is inconsistent, and anticorruption agencies are ineffective, contributing to a culture of impunity. A handful of holding companies obtain a vast portion of public tenders, including for Erdoğan's mega-projects, and these same companies also control most of Turkey's media networks. Moreover, the government has seized hundreds of businesses and nongovernmental organizations (NGOs) since 2016, appointing trustees to manage billions of dollars in assets.

In May 2021, notorious mafia boss Sedat Peker published a series of videos in which he levied an array of accusations—including murder, rape, corruption, and drug trafficking—against prominent government figures. Peker, who became a part of AKP circles after his 2014 release from prison, spoke of over 20 years' worth of improper governance and illegal behavior among AKP politicians, including Minister of the Interior Süleyman Soyulu.

C3. Does the government operate with openness and transparency? 0 / 4

Turkey's political and legal environment has made democratic oversight nearly impossible. Although there is an access to information law, in practice the government lacks transparency and arbitrarily withholds information on the activities of state officials and institutions. External monitors like civil society groups and independent journalists are subject to arrest and prosecution if they attempt to expose government wrongdoing. Government officials often refuse to respond to opposition lawmakers' questions, denying the legislative branch one of its few remaining tools to check the executive.

CIVIL LIBERTIES: 16 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16****D1. Are there free and independent media? 1 / 4**

More than 90 percent of Turkish media networks depend on public tenders and are owned by large businesses with close personal ties to President Erdoğan. Mainstream media reflect government positions and often carry identical headlines as government-run media. Although independent outlets exist, they face tremendous political pressure and are routinely targeted for prosecution.

Media outlets are often censored, fined, or shut down, and journalists are detained regularly. In 2021, journalists were prosecuted for covering protests and corruption allegations against the government, among other topics. According to the Committee to Protect Journalists (CPJ), Turkey was the world's sixth-largest jailer of journalists in 2021, with 18 in prison at the end of the year. Journalists in Turkey also increasingly face violent attacks by mobs or security forces.

The High Council for Broadcasting (RTÜK), Turkey's broadcast regulator whose members are appointed by the AKP-controlled parliament, frequently fines independent networks that critique the government. Throughout 2021, RTÜK issued a total of 71 fines, all of which were against five television channels, while government-friendly media received no penalties. In August, amidst an outbreak of more than 200 forest fires across the country, RTÜK warned broadcasters to ensure coverage of the fires was sympathetic to the government or else face heavy fines. As of 2019, online video producers are also required to obtain licenses from RTÜK to broadcast in Turkey, even if they operate abroad.

The government continued to censor and block access to online media that are critical of the government's policies. In August 2021, authorities blocked the webpages of 141 news reports published by the independent news network Bianet, including stories documenting official government corruption, the trials of journalists, and the rise of gender-based violence in the country.

Following the passage of a restrictive new law in 2020, major social media companies such as Facebook, Twitter, and YouTube were forced to open offices in Turkey that would comply with government content takedown demands. Most companies refused to comply in late 2020, receiving hefty fines and advertising bans. By March 2021, all the major social media companies had yielded and opened offices in Turkey.

In May 2021, the government introduced new restrictions on press passes. A growing number of reports in recent years point to arbitrary press pass denials or cancellations targeting journalists critical of the government or its policies.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

While the constitution guarantees freedom of religion, Turkey's public sphere is dominated by Sunni Islam. Alevi places of worship are not recognized by the government and

cannot access state subsidies provided to Sunni mosques. Religious schools that promote Sunni Islamic education have proliferated under the AKP, and the public curriculum mandates compulsory religious education; non-Muslim students are officially exempted from these courses, although they and Alevis have difficulty opting out of them in practice.

Three non-Muslim groups—Jews, Orthodox Christians, and Armenian Catholics—are officially recognized. However, disputes over property and prohibitions on training of clergy remain problems for these communities, and the rights of unrecognized religious minorities are limited. Alevis and non-Muslims continued to be targeted with hate speech and mob attacks in 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom, never well respected in Turkey, has significantly weakened since 2016 as the government has summarily dismissed thousands of academics and educators for their perceived leftist, Gülenist, or PKK sympathies. More than a thousand scholars known as Academics for Peace have been investigated, with hundreds prosecuted, for declaring their support for peace between the government and the PKK. University students, are routinely detained for holding peaceful demonstrations against government policies.

The government and university administrations routinely intervene to prevent academics from researching sensitive topics, encouraging self-censorship among scholars. President Erdoğan obtained the power to appoint rectors at public and private universities in 2018 and has used it to intervene in academic institutions' affairs. In January 2021, the president appointed a political ally as the rector of Turkey's top-ranking Boğaziçi University, prompting a months-long protest movement by students and faculty that police violently dispersed on several occasions. Erdoğan ultimately removed the rector in July, only to replace him the next month with a different political ally.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

While citizens continue to voice their opinions openly in private, more exercise caution about what they say publicly. The government boasts that it monitors more than 45 million social media accounts in the country. The arbitrariness of prosecutions for alleged dissent, which often result in pretrial detention and carry the risk of lengthy prison terms, has created an atmosphere of self-censorship. In 2021, dozens of social media users were detained for sharing opinions on the Boğaziçi University protests or faced prosecution for complaining about the economy. Notably, in December, Turkey's banking watchdog filed a criminal complaint against 26 people—including a former central bank governor and several economists and journalists—for criticizing the central bank's policies on social media amidst a major currency crisis.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Authorities routinely ban gatherings organized by government critics, while progovernment rallies are allowed to proceed. The city of Ankara has imposed restrictions on May Day celebrations, LGBT+ pride parades, protests by student and women's rights groups, and even political rallies. Police frequently use force to break up peaceful protests; throughout 2021, security forces used tear gas and other violent tactics to disperse student protesters at Boğaziçi University; demonstrators at the Istanbul pride parade; and women protesting the alarming rate of gender-based violence in the country.

Weekly vigils and commemorations by the Saturday Mothers, a group that protests forced disappearances associated with a 1980 coup d'état, have been routinely broken up by police; many participants, including elderly people, have been arrested. In March 2021, a trial began against 46 demonstrators who attended the 700th Saturday Mothers vigil in August 2018.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

The government frequently targets NGOs focused on human rights. Since 2016, it has shut down more than 1,500 foundations and associations. In December 2021, the government froze the assets of 770 NGOs on the spurious grounds of terrorism financing.

Leaders of NGOs—particularly those focused on human rights—face harassment, arrests, and prosecutions simply for carrying out their activities. A law passed by Parliament in December 2020 subjects NGOs to yearly audits and gives the ministry of the interior the power to appoint trustees to the boards of NGOs facing a criminal investigation. Civil society groups have denounced the law as pretext to take over human rights organizations that criticize the government.

Turkey's highly politicized judiciary has conducted trials against prominent human rights activists to intimidate civil society and stifle human rights advocacy. In 2020, a court convicted four human rights defenders, including former Amnesty International Turkey chair Taner Kılıç, on groundless charges of aiding a terrorist organization. Meanwhile, a group of 16 civil society leaders, including prominent philanthropist Osman Kavala, have been facing spurious charges and prosecution since 2017 for allegedly masterminding the 2013 mass "Gezi" protests and allegedly supporting a 2016 coup attempt. After a year-long show trial, all 16 were acquitted in 2020. However, an appeals court revoked the decision in January 2021. In February, prosecutors merged that case with another case involving Gezi protesters accused of perpetuating violence, expanding the prosecution's scope. The trial began in October. In December, the Council of Europe launched an infringement process against Turkey due to its failure to release Kavala per a 2019 European Court of Human Rights (ECHR) ruling.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Union activity, including the right to strike, is limited by law and in practice; antiunion activities by employers are common, and legal protections are poorly enforced. A system of threshold requirements makes it difficult for unions to secure collective-bargaining rights. Trade unions and professional organizations have suffered from mass arrests and dismissals associated with the 2016–18 state of emergency and the general breakdown in freedoms of expression, assembly, and association. Union leaders were among those arrested while attempting to hold May Day demonstrations in 2020.

F. RULE OF LAW: 3 / 16

F1. Is there an independent judiciary? 1 / 4

The post-coup purges of 2016 and structural changes introduced in the constitution in 2018 have severely compromised judicial independence. More than 4,200 judges and prosecutors have been removed since 2016 and replaced with government loyalists. Meanwhile, the new presidential system of 2018 has increased executive control over the judiciary; members of the Board of Judges and Prosecutors (HSK), which oversees judicial appointments and disciplinary measures, are now appointed by the parliament and the president, rather than by members of the judiciary. As a result, prosecutors and

judges often toe the government's line; judges who rule against the government's wishes are removed and replaced.

The executive has vast powers over the higher courts, as the president and the ruling party make most appointments. Notably, the Constitutional Court has maintained some independence and overturned select political convictions in recent years. In July 2021, it ordered the release of HDP lawmaker Ömer Faruk Gergerlioğlu, finding that his rights had been violated.

The government's control over the judiciary, meanwhile, results in politically motivated prosecutions targeting members and supporters of opposition parties.

F2. Does due process prevail in civil and criminal matters? 0 / 4

There are severe violations of due process rights in the judicial system. Defendants are often held in lengthy pretrial detention for periods lasting up to seven years. Prosecutors wait months before unveiling their charges and produce lengthy accounts that often lack concrete evidence. In many cases, lawyers defending people accused of terrorism face arrest themselves. More broadly, lower courts often defy rulings by higher courts that they are legally bound to implement.

In 2021, Osman Kavala, Turkey's most prominent political prisoner, continued to have his due process rights denied. Accused of organizing mass protests in 2013, Kavala was held in pretrial detention starting in 2017 for over a year before the prosecutor revealed the charges against him. During his trial, a judge who ordered Kavala's release was replaced without explanation, amidst other procedural anomalies. After a yearlong trial that began in 2019, in 2020 the court exonerated Kavala, ordering his release. However, in January 2021, an appeals court revoked his 2020 acquittal, ostensibly because some evidence had been excluded from court. Authorities then rearrested him in February under newfound charges of allegedly aiding a coup attempt and supporting terrorism. As of the end of 2021, Kavala remained in detention, despite a 2019 order by the ECHR for his immediate release.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Turkish authorities are regularly accused of using torture on prisoners—particularly targeting Kurds, Gülenists, and leftists—with impunity. In 2020, two Kurdish farmers were allegedly thrown from a military helicopter after being detained by soldiers; one later died of his injuries. Prosecutors do not consistently investigate allegations of torture or abuse in custody, and the government has resisted the publication of a European Committee for the Prevention of Torture report on its detention practices.

The threat of terrorism decreased in 2018 with the weakening of the Islamic State (IS) militant group in neighboring Syria; no large-scale terrorist attacks have occurred since. However, civilians in the Kurdish southeast endured another year of conflict between security forces and the PKK. The conflict has killed more than 5,000 people within Turkey and in northern Iraq since July 2015, most of them soldiers or Kurdish militants.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Although Turkish law guarantees equal treatment of all citizens, religious, ethnic, and sexual minorities suffer varying degrees of discrimination. Alevis and non-Muslims continue to face systemic discrimination in schools and in public sector employment. The Turkish government's war with the PKK, meanwhile, has long been used to justify discriminatory measures against Kurdish citizens, including the prohibition of Kurdish festivals and

the reversal of Kurdish municipal officials' efforts to promote their language and culture. Many Kurdish-language schools and cultural organizations have been shut down since 2015.

Although women make up a growing part of the workforce, gender inequality in the workplace is a pressing issue. Erdoğan's unilateral decision in March 2021 to withdraw Turkey from the Istanbul Convention, the most important international treaty regarding gender-based violence, removed legal protections for women from assault and harassment, including sexual harassment in the workplace.

Same-sex relations are not legally prohibited, but LGBT+ people face widespread discrimination, police harassment, and violence. Laws do not protect people from discrimination based on their sexual orientation or gender identity, and LGBT+ people are banned from openly serving in the military.

In recent years, public officials have increasingly used homophobic language and hate speech targeting the LGBT+ community. In 2020, the head of Turkey's Religious Affairs Directorate delivered a sermon with anti-LGBT+ hate speech, while the head of Turkey's Red Crescent Society published posts on Twitter with discriminatory language toward LGBT+ people—both actions were publicly defended by President Erdoğan and his communications director. In September 2021, a public prosecutor reportedly launched a lawsuit against top members of the Ankara Bar Association who had critiqued the head of the Religious Affairs Directorate for his 2020 sermon. In February 2021, Minister of the Interior Süleyman Soyulu called student activists at Boğaziçi University "LGBT deviants" on Twitter, prompting the social media platform to issue a warning that the post violated its rules on hateful conduct. Government officials and progovernment media used similarly anti-LGBT+ language to justify Turkey's withdrawal from the Istanbul Convention in March 2021. The Turkish government also censors media that depict LGBT+ characters: In 2020, it forced Netflix to cancel a drama over a gay character in the series.

Turkey hosts some 4 million refugees, most from Syria. While the government has worked to provide them with basic services, many refugee children lack access to education, and few adults find formal employment. Popular resentment against refugees has been rising for years and is felt across the political spectrum.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

An upsurge in fighting between the government and the PKK since 2015 resulted in the displacement of hundreds of thousands of people in southeastern Turkey, and freedom of movement remains limited in the region as low-level clashes continue.

More than 125,000 public sector workers were fired or suspended in the purges that followed the 2016 coup attempt and have no effective avenue for appeal. Many victims are unable to find employment in the private sector due to an atmosphere of guilt by association and cannot travel abroad as their passports have been cancelled.

Refugees in Turkey continue to face legal and practical obstacles to free movement within the country.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Private property rights are legally enshrined, but since 2013 many critics of the government have been subjected to intrusive tax and regulatory inspections. In the aftermath of the 2016 coup attempt, the assets of companies, NGOs, foundations, individuals, media outlets, and other entities deemed to be associated with terrorist groups have been confiscated.

According to a survey published in 2018, at least \$11 billion in private business assets, ranging from corner stores to large conglomerates, had been seized.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Child marriages, often performed at unofficial religious ceremonies, are widespread, and Syrian refugees appear to be particularly vulnerable. The Directorate of Religious Affairs briefly endorsed the practice in 2018, suggesting that girls as young as nine years old could marry, before retracting the statement after public outcry.

Turkey has one of the highest rates of domestic violence in the world. Although there are some legal safeguards, activists complain that they are not properly enforced. In March 2021, Erdogan withdrew Turkey from the Istanbul Convention, further removing much-needed legal protections against violence against women from Turkish law. Key problems include police reluctance to intervene in domestic disputes and a limited number of shelter spaces, which are often geographically inaccessible. The AKP has considered weakening domestic violence protections as part of a larger effort to dissuade women from seeking divorce; a parliamentary report published in 2016 recommended that women should be required to prove their partner's violence in order to receive extended police protection. The recommendation was retracted after public pressure.

Gender-based violence and femicides reached alarming levels in 2021, which women's rights activists largely blame on a culture of impunity for perpetrators enabled by the government and judiciary.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The weakness of labor unions and the government's increasing willingness to act against organized labor have undermined equality of opportunity, protection from economic exploitation, and workplace safety. Workplace accidents have become more frequent in recent years, and laborers have little recourse if injured. According to the Workers' Health and Work Safety Assembly (İSİGM), 2,170 workers died in work-related incidents in 2021. The large refugee population is especially vulnerable to exploitative employment conditions.

Turkmenistan

Population: 6,100,000

Capital: Ashgabat

Freedom Status: Not Free

Electoral Democracy: No

Overview: Turkmenistan is a repressive authoritarian state where political rights and civil liberties are almost completely denied in practice. Elections are tightly controlled, ensuring nearly unanimous victories for the president and his supporters. The economy is dominated by the state, corruption is systemic, religious groups are persecuted, and political dissent is not tolerated.

KEY DEVELOPMENTS IN 2021

- The first elections to the new 56-member Khalk Maslahaty, the upper chamber of parliament established by constitutional amendments passed in September 2020,
-

were held in March. The indirectly elected body is composed of 48 members elected by local councils in the country's five provinces and the city of Ashgabat in addition to 8 presidential appointees.

- The government continued to deny the presence of COVID-19 in Turkmenistan throughout the year. This denial directly contradicted independent evidence of increased respiratory ailments and deaths in the country, as well as the government's introduction of measures such as mandatory mask wearing, school closures, and restrictions on public events.
- President Gurbanguly Berdimuhamedov promoted his son, Serdar Berdimuhamedov, to a variety of top government positions during the year, including that of deputy prime minister for economic and financial issues in July. Analysts have suggested that the promotions are intended to prepare the younger Berdimuhamedov to succeed his father as president.

POLITICAL RIGHTS: 0 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president is directly elected for an unlimited number of seven-year terms, extended from five years under a 2016 constitutional revision. Gurbanguly Berdimuhamedov, the incumbent, was reelected for a third term in 2017 with 97.69 percent of the vote amid turnout of over 97 percent, according to official results. His eight token opponents were either nominees of state-backed parties or members of the ruling Democratic Party of Turkmenistan (DPT) who ran as independents. The Organization for Security and Co-operation in Europe (OSCE) criticized the election process for failing to present voters with a genuine choice and noted that it took place in a strictly controlled political and media environment.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The bicameral parliament, the National Council of Turkmenistan (Milli Geňes), includes a lower chamber, the Mejlis, as well as an upper chamber, the 56-seat Khalk Maslahaty. In September 2020, the parliament and president approved amendments to the constitution abolishing the previous Khalk Maslahaty, a 2,500-seat body that included Mejlis members as well as a variety of unelected officials and community leaders.

The Mejlis is composed of 125 members directly elected from individual districts to serve five-year terms. Elections to the Mejlis are tightly controlled by the state and feature no genuine competition from opposition candidates.

In the March 2018 elections, the DPT won 55 seats, the Party of Industrialists and Entrepreneurs and the Agrarian Party each took 11, and candidates nominated by groups of citizens secured 48. Voter turnout was reported to be approximately 92 percent. The OSCE found that the elections "lacked important prerequisites of a genuinely democratic electoral process." Observers said that while there was a semblance of pluralism, all parties and candidates supported the president, and the absence of media diversity interfered with citizens' ability to make a free and educated choice.

The first elections to the new Khalk Maslahaty were held in March 2021. Local councils in the country's five provinces and the city of Ashgabat elected 8 members each, filling 48 seats in the chamber; the remaining 8 seats were filled by presidential appointees. The constitutional amendments creating the new chamber also designate its chairman as interim successor in the event that the president was to become incapacitated.

Analysts have speculated that the constitutional amendments are related to plans for the president's son, Serdar Berdimuhamedov, to succeed him as president. Throughout the year, the president promoted his son to a variety of top government positions, including that of deputy prime minister for economic and financial issues in July.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The legal framework for elections is neither fair nor impartially implemented. The Central Election Commission (CEC) is appointed by the president and operates with little transparency. The law allows virtually no opportunity for independent fundraising or campaigning. In the 2017 presidential and 2018 parliamentary elections, the CEC organized and funded all campaign activities, according to international monitors.

The constitution and electoral code were amended in 2016 to remove the upper age limit of 70 for presidential candidates, extend the presidential term from five to seven years, and eliminate the right of public associations to nominate presidential candidates.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The party system is dominated by the ruling DPT and controlled by the executive branch. The 2012 law on political parties specified the legal basis for citizens to form independent parties, but barred parties formed on professional, regional, or religious lines, and those created by government officials. Nevertheless, Berdimuhamedov subsequently announced plans to form two new groups—the Party of Industrialists and Entrepreneurs and the Agrarian Party. Both were then openly organized by sitting members of the DPT and formally registered in 2012 and 2014, respectively. The Agrarian Party won its first parliamentary seats in 2018.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Turkmenistan has never experienced a peaceful transfer of power between rival parties through elections. Berdimuhamedov had served in the government of his late predecessor, Saparmurat Niyazov, who in turn had ruled the country since before its independence from the Soviet Union. The Soviet-era Communist Party became the DPT in 1991 and remains in power to date. All genuine opposition groups operate either illegally or in exile.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The authoritarian political system offers voters no meaningful alternatives to the ruling party. At an informal level, politics within the regime are thought to be influenced by regional patronage networks, or “clans,” that control different parts of the state and economy.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Members of the ethnic Turkmen majority and the president's tribal subdivision in particular are favored for leadership positions. While women and members of ethnic or religious minority groups formally have full political rights, no segment of the country's

population enjoys the practical ability to engage in independent political activity. About a quarter of candidates elected to the Mejlis in 2018 were women.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The president, who is not freely elected, has ultimate decision-making authority. The executive branch determines laws and policies with no meaningful input or oversight from the rubber-stamp legislature, which mainly serves to endorse the president's decrees and policies.

C2. Are safeguards against official corruption strong and effective? 0 / 4

There are no independent institutions tasked with combating corruption, which is widespread in Turkmenistan. Anticorruption bodies have allegedly been used to extort revenue from wealthy officials and businesspeople. Crackdowns on corruption are typically selective and related to conflicts within the ruling elite.

Genuine checks on nepotism and conflicts of interest are lacking. In May 2021, an investigative report released by the Organized Crime and Corruption Reporting Project (OCCRP) revealed that a company owned by Khadzhimurat Redjepov, the president's nephew, had been awarded a \$27.5 million government contract to import subsidized food products as part of a policy to alleviate food shortages in the country. The report alleges that Redjepov used part of the funds to build a luxury home in Ashgabat for his family.

C3. Does the government operate with openness and transparency? 0 / 4

Decisions on monetary policy, large-scale contracts with foreign companies, and the allocation of state profits from hydrocarbon exports are largely opaque and ultimately controlled by the president, without effective legal limits or independent oversight. Government officials and state-owned companies are not required to disclose their basic financial information to the public.

Throughout 2020 and 2021, the government repeatedly denied the presence of the COVID-19 virus in Turkmenistan, and failed to publish any data regarding the number of cases and deaths in the country. This denial directly contradicts independent evidence of increased respiratory ailments and deaths, as well as the government's introduction of measures such as mandatory mask wearing, school closures, and restrictions on public events. Following a World Health Organization (WHO) mission to the country in July 2021, a senior officer in the organization stated that "it's unlikely that the virus is not circulating in Turkmenistan." Throughout the year, unofficial reports claimed that the rate of COVID-19-related infections and deaths in Ashgabat had risen, overwhelming the city's hospitals, and that a number of government officials had contracted and died from the illness. Further signs of the true status of COVID-19 in Turkmenistan emerged in June, when the World Bank approved a \$20 million loan to Turkmenistan's government to combat the virus, and in August, when the president dismissed several Health Ministry officials for "serious shortcomings" in their work.

CIVIL LIBERTIES: 2 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 0 / 16****D1. Are there free and independent media? 0 / 4**

Press freedom is severely restricted. The state controls nearly all broadcast and print media, and the state-run internet service provider blocks websites that carry independent news coverage or opposition-oriented content. Some citizens are able to access foreign

satellite broadcasts, but the government continues efforts to remove receivers from houses in the countryside.

Independent journalists, particularly those affiliated with Radio Free Europe/Radio Liberty (RFE/RL), are subject to harassment, detention, physical abuse, and prosecution on trumped-up charges. The families of independent journalists working abroad are also sometimes subjected to harassment and threats; between March and May 2021, several family members of exiled journalists Rozybai Jumamuradov and Devlet Bayhan were questioned by security officers and threatened with incarceration.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Legal restrictions, state monitoring and harassment, and the risk of penalties including fines and imprisonment have virtually extinguished the ability of individuals to freely practice religion. A 2016 law on religion maintained existing bans on religious activity outside state control, imposed a higher membership threshold for the registration of religious groups, and required all registered groups to reapply for registration. Senior Muslim clerics are appointed by the government, and Muslims who do not follow the officially approved interpretation of Islam are subject to persecution, including lengthy prison terms.

Members of unregistered religious minority groups continue to face raids, beatings, and other forms of harassment. Turkmenistanis who conscientiously object to compulsory military service for religious reasons risk imprisonment. Between January and March 2021, 16 conscientious objectors were jailed for refusing military service.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

The government places significant restrictions on academic freedom, limiting research on politically sensitive topics and imposing onerous obstacles to the recognition of degrees from foreign institutions. Curricula in schools and universities are controlled by the government.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

Private discussion and the expression of personal views are highly restricted due to intrusive supervision by state security services, including physical surveillance, monitoring of telephone and electronic communications, and the use of informers.

In recent years, the government has employed increasingly sophisticated methods to monitor the population. Authorities have reportedly used special software to eavesdrop on voice over internet protocol (VoIP) calls, operate computer cameras remotely, and record keystrokes. Social media users who post critical comments about the government are subject to intimidation and imprisonment, and restrictions on social media sites, cloud storage services, and VPNs have intensified. In August 2021, RFE/RL reported that the authorities have allegedly forced some Turkmenistani internet users to swear on the Quran that they will not use VPNs. The government also reportedly monitors the online contacts and posts of its citizens abroad.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

The constitution guarantees freedom of assembly, and the 2015 Law on Assemblies defines the right of individuals and groups to hold peaceful gatherings with prior authorization.

However, the law grants officials broad discretion to block assemblies, and the authorities do not allow organized antigovernment demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Onerous registration and regulatory requirements effectively prevent most independent NGOs from operating legally or receiving foreign funding, and activities by unregistered groups can draw fines, detention, and other penalties. Individual activists face intimidation and harassment, as do the family members of human rights activists working in exile.

In March 2021, two activists were arrested and detained for distributing antigovernment leaflets in Ashgabat, though criticizing the government is not officially a crime in Turkmenistan. Turkmenistani activists abroad also face pressure from the government. According to reports from RFE/RL and Memorial, a Russian human rights NGO, in September, a number of Turkmenistani activists living in Turkey were detained by Turkish police and threatened with deportation for their public criticism of the Turkmenistani government.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Workers have a legal right to join trade unions, but there are no protections against anti-union discrimination, and strikes are prohibited. The government-controlled Association of Trade Unions of Turkmenistan is the only union organization permitted to operate.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The judicial system is subservient to the president, who appoints and dismisses judges unilaterally. In practice, the courts are commonly used to punish dissent and remove potential threats to the president's political dominance.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Arbitrary arrests and detentions are common, particularly for dissidents, members of unapproved religious groups, activists, and journalists who work with foreign organizations. The authorities frequently deny defendants' basic rights of due process, including public trials and access to defense attorneys.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Prison conditions are extremely harsh, and security forces routinely use torture to extract confessions or punish inmates, which can result in deaths in custody. Turkmenistanis are also subject to enforced disappearances; in 2019, the Prove They Are Alive! human rights campaign identified 121 people who remained missing after they had been forcibly disappeared. Physical abuse and hazing in the military has reportedly led to several deaths among conscripts in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Employment and educational opportunities for members of non-Turkmen ethnic minorities are limited by the government's promotion of Turkmen national identity, and activists who advocate for minority rights have faced persecution. Traditional social and religious norms help to restrict women's access to education and economic opportunity; there are no legal protections against sexual harassment in the workplace.

The law does not protect LGBT+ people from discrimination, and sexual activity between men can be punished with up to two years in prison. In September 2021, a Turkmenistani human rights NGO reported that 30 men accused of “sodomy” were being held in a detention center in Turkmenabad; they remained in custody as of the end of October.

Homeless people are routinely forcibly removed or detained by police, often ahead of state celebrations. In September, police rounded up 176 homeless people in Turkmenabad and detained them in a psychiatric facility.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Freedom of movement is restricted, with frequent reports of individuals being barred from traveling abroad; officials are reportedly instructed to prevent citizens under the age of 40 from leaving the country. The government is known to prohibit the families of dissidents and prisoners from leaving. Internal passports and a residency permit system also obstruct travel within the country. Despite these restrictions, unpublished government statistics suggest that nearly two million people emigrated during a 2008–18 reporting period, with many of them seeking to escape the dire economic situation.

Additional restrictions on the freedom of movement imposed during the COVID-19 pandemic were removed in April 2021, but reimposed in some regions in July.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The constitution establishes the right to property ownership, but the deeply flawed judiciary provides little protection to businesses and individuals, and the president’s relatives monopolize key sectors of the economy that are not directly state controlled. Arbitrary evictions and confiscation of property are common.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Domestic violence is reportedly common, but few victims file complaints with the authorities, and the government has not made significant efforts to monitor, prevent, or combat the problem. Reporting and prosecution of rape are similarly limited. While polygamy has long been illegal, it apparently persists in practice; a 2018 law was meant to reinforce the ban.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The government forces thousands of students, public employees, and other citizens to participate in the annual cotton harvest with little or no pay. Impoverished residents of rural areas are especially vulnerable to trafficking abroad for forced labor or sexual exploitation, and the government does little to address the problem. In March 2021, police in Mary Province were reported to be arbitrarily detaining citizens with a “disheveled appearance,” accusing them of being homeless, and sending them to work on state farms. Turkmenistani men between the ages of 18 and 25 are required to serve in the military for two years; in June, dozens of graduating students were reportedly removed from schools immediately following their final exams and forcibly conscripted into the army.

The state’s mismanagement of a weak economy, including soaring inflation, has inhibited opportunity and imposed hardship on the population. Persistently low oil and gas prices have driven down vital export revenues in recent years, leading to reports of unpaid

wages and shortages of basic goods. To raise funds, the government has at times increased various fees, cut subsidies, and pressured officials, businesspeople, and ordinary workers to make “voluntary” contributions. In June, authorities in the Lebap region reportedly banned citizens that owed debts on natural gas from buying subsidized food products.

Tuvalu

Population: 10,000

Capital: Funafuti

Freedom Status: Free

Electoral Democracy: Yes

Overview: Tuvalu is a parliamentary democracy that holds regular, competitive elections. Civil liberties are generally upheld. Ongoing problems include a lack of antidiscrimination laws to protect women and LGBT+ people, and there are concerns about child labor in some industries.

KEY DEVELOPMENTS IN 2021

- The government continued to manage the COVID-19 pandemic during the year by instituting tight border controls that restrict entry into the country. Throughout the year, commercial flights in and out of the country were limited.
- In May, the parliament established a committee to hold public consultations on a review of the constitution. Themes discussed with stakeholders throughout several consultations included removing the British monarch as head of state and to adopt a system in which the prime minister is directly elected. The process was ongoing at the end of the year.

POLITICAL RIGHTS: 37 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A governor general represents the British monarch as ceremonial head of state. The prime minister, chosen by Parliament, leads the government, thus the legitimacy of the presidential election depends in part on the conduct of parliamentary elections. Independent candidate Kausea Natano became prime minister after the 2019 elections, which were considered free and fair. He defeated another independent, Enele Sopoaga, in a secret ballot, receiving 10 of the 16 ministers’ votes.

In May 2021, the parliament established a committee to hold public consultations on a review of the constitution. Themes discussed with stakeholders throughout several consultations included removing the British monarch as head of state and to adopt a system in which the prime minister is directly elected. The process was ongoing at the end of the year.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The unicameral House of Assembly has 16 members who are directly elected through contests in eight geographical constituencies, each of which are represented by two members. The attorney general has an advisory role and does not vote. In the September 2019 elections,

all candidates ran as independents. Two women ran for seats in Parliament, though only the incumbent Puakena Boreham was elected. Each of the main inhabited islands in Tuvalu is also governed by an elected local council. The 2019 elections were deemed free and fair.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Tuvalu's legal framework provides for democratic elections, and the laws are fairly and impartially implemented. An appointed secretary to the government is responsible for the supervision of elections and maintenance of voter rolls. Local polling officers are authorized to adjudicate election-related disputes in their districts, and there is a mechanism through which appeals may be filed. The September 2019 elections were accepted by all relevant stakeholders and constituencies.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

There are no formal political parties, though no law bars their formation. Candidates typically run as independents and form loose, frequently shifting alliances once in office.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Tuvalu has an established pattern of democratic transfers of power. Individual prime ministers and governments have seldom lasted a full term in office in recent decades, with intense political rivalries sometimes prompting no-confidence votes in Parliament.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Traditional elders and the main Protestant church play an influential role in society, but they do not exercise undue control over the political choices of voters and candidates.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

All Tuvaluans aged 18 and over who are present in the country on polling day but not imprisoned are eligible to vote. Politics are generally dominated by older, well-educated men. While women formally have full political rights, in practice their participation is somewhat inhibited by discriminatory and widespread biases. Two women ran in the 2019 parliamentary elections, and one of them (an incumbent) won a seat. A move to add two reserved seats for women was considered as part of a constitutional review process in 2018 but has not since been acted upon.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Tuvalu's elected officials develop and implement government policies and legislation without improper interference from any unelected entity. The country often receives funding from other countries and international entities to implement policies and programs. The Asian Development Bank (ADB), the World Bank, and partner countries provide the country with grants, but there have been no reported concerns of undue influence on government.

In 2019, the Tuvalu government reaffirmed its commitment to its relationship with Taiwan, which precludes any diplomatic ties with China, and thus any influence China might have on Tuvalu's government. China's influence has grown in the Pacific, which has raised concerns of undue influence on the independence of policymaking in several other countries in the region.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption is not a severe problem in Tuvalu, and the country's independent auditing and law enforcement bodies are generally effective in combating graft, though there have been some corruption scandals in recent years.

Tuvalu has received assistance from international donors to strengthen anticorruption laws.

C3. Does the government operate with openness and transparency? 3 / 4

Government operations and legislative processes are generally transparent, though there is no freedom of information law to guarantee and regulate public access to official records. While officials are legally obliged to disclose their assets and income, the rules are not consistently enforced, according to the US State Department.

In 2019, the Tuvalu Parliament livestreamed government proceedings on social media for the first time. Information about changes in policy or circumstance in Tuvalu can take days to reach the body of the population, as well as the rest of the world; livestreaming parliamentary sessions sought to ameliorate these challenges.

In December 2020, the government announced plans to become a "paperless society," by using blockchain technology to create a national digital ledger in which all public data would be stored.

CIVIL LIBERTIES: 56 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The constitution provides for freedom of the press, and there are no reported restrictions on this right, though the small media market does not support independent domestic news outlets. The government operates a radio station and a national newspaper. Many residents use satellite dishes to access foreign programming. Internet coverage has grown somewhat in recent years, though access is largely limited to the main island, and is expensive, inconsistent, and limited everywhere else.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution and laws provide for freedom of religion, and this right is generally respected in practice. A Protestant church, the Congregational Christian Church of Tuvalu, has official status under the law, and about 97 percent of the population belongs to it. Cultural leaders are empowered to regulate local religious activities, and on smaller islands they sometimes discourage minority groups from proselytizing or holding public events.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on freedom of expression. The government does not improperly monitor personal communications or social media activity.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

The constitution provides for freedom of assembly, and the government typically upholds this right in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Freedom of association is respected. Nongovernmental organizations operate without interference, providing a variety of health, education, and other services.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers in the private sector have the right to organize unions, bargain collectively, and strike. Public-sector employees can join professional associations and engage in collective bargaining, but they are not permitted to strike. Most labor disputes are resolved through negotiations in practice. The only registered union represents seafarers.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent. The chief justice is appointed by the head of state on the advice of the cabinet, and other judges are appointed in the same manner after consultation with the chief justice. Judges cannot be removed arbitrarily.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The authorities generally uphold due process during arrests, detentions, and trials. A public defense lawyer is available to detainees and defendants. However, the limited capacity of the legal system can lead to delays in court proceedings and access to counsel.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

There were no reports of physical abuse by police or in the prison system during the year. Criminal activity does not pose a major threat to physical security.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

While women generally enjoy equality before the law, discriminatory biases and social norms limit women's role in society, and there are no specific legal protections against gender discrimination in employment.

Same-sex sexual activity is illegal and can be punished with imprisonment, though the law is not actively enforced. Discrimination based on sexual orientation or gender identity is not specifically banned.

There is no national legal framework for providing refuge to asylum seekers, nor were there any such applications reported in 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Tuvaluans are free to travel within the country and abroad, and to relocate for purposes including employment and education. The country's borders were closed to international travel in 2020 due to the COVID-19 pandemic. Commercial flights in and out of the country remained limited in 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Tuvalu's legal framework and government policies are generally supportive of property rights and private-business activity. However, laws and practices surrounding land ownership and inheritance favor men over women.

In June and July 2019, a dispute over a leasing agreement for the island's airport escalated between landowners on the island Funafuti and the government. The landowners believed that the lease had expired after 25 years—in 2017—while the government claimed the original lease for the airport was set for 99 years. After landowners blockaded the runway, and the two parties began negotiations, a case for the incident and dispute was filed in the High Court, which determined that the landowners had violated their lease agreement. Police were ordered to arrest anyone who interfered with flights, as the blockade was deemed to pose a “significant sovereign risk.”

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Although personal social freedoms are generally respected, domestic violence often goes unreported because it is viewed as a private matter. There are no specific laws against spousal rape.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Forced labor is prohibited, and the government mandates basic protections against exploitative or dangerous working conditions, though enforcement is not proactive or consistent. Most of the labor force works in the informal sector or in small-scale fishing and agriculture. No law addresses forms of harmful or hazardous child labor, and the US State Department's 2019 Findings on the Worst Forms of Child Labor, the most recent available, stated that there was evidence of child labor in the fishing industry and among domestic workers.

In 2018, Tuvalu created its first national human rights institution (NHRI) and will give the country's ombudsman additional powers to promote and protect human rights on the island. The new NHRI was created to be aligned with the Paris Principles for independent and effective human rights institutions.

Uganda

Population: 47,100,000

Capital: Kampala

Freedom Status: Not Free

Electoral Democracy: No

Overview: While Uganda holds regular elections, their credibility has deteriorated over time, and the country has been ruled by the same party and president since 1986. The ruling party, the National Resistance Movement (NRM), retains power through the manipulation of state

resources, intimidation by security forces, and politicized prosecutions of opposition leaders. Uganda's civil society and independent media sectors suffer from legal and extralegal harassment and state violence.

KEY DEVELOPMENTS IN 2021

- President Yoweri Museveni won reelection in January with 58.6 percent of the vote while Robert Kyagulanyi Ssentamu—better known as Bobi Wine—won 34.8 percent. The preelectoral and postelectoral periods were marked by repression, with authorities abducting opposition supporters, disrupting internet access, interfering with journalists, and preventing observers from monitoring the contest.
- The NRM won a clear parliamentary majority in the concurrent legislative contests, which were similarly marred by government repression. The opposition National Unity Platform (NUP) and Forum for Democratic Change (FDC) were the only other parties to win more than 10 seats.
- In April, the government announced that it would replace a 200 shilling (\$0.05) social media tax, which was criticized as an attack on freedom of expression upon its 2018 introduction, with a 12 percent tax on internet data.
- In August, the government ordered the closure of 54 nongovernmental organizations (NGOs), accusing of them of failing to comply with legal requirements. Groups affected included the Citizens' Coalition for Electoral Democracy in Uganda (CCEDU) and human rights NGO Chapter Four.

POLITICAL RIGHTS: 11 / 40

A. ELECTORAL PROCESS: 3 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president is directly elected to serve five-year terms. Incumbent Yoweri Museveni won the January 2021 election with 58.6 percent of the vote, while NUP candidate Bobi Wine won 34.8 percent. Turnout stood at 57 percent.

The campaign period, which began in late 2020, was marred by repression and violence, though polling day itself was calm besides a military presence in Kampala. Wine, who had been arrested several times in 2020, was placed under house arrest after casting his ballot, though the High Court of Kampala ordered his release later in January 2021. Authorities selectively used COVID-19 restrictions to disperse opposition rallies and arrest journalists, while NRM events were allowed to proceed. Ugandans lost internet access as the electoral period ended, with the Uganda Communications Commission (UCC) ordering a five-day blackout the day before polling. Internet access was largely restored by February 2021.

Few observers monitored the vote. The United States cancelled its own effort, while the European Union's offer to send experts was declined. Ugandan NGOs, meanwhile, reported that almost none of its accreditation requests were granted. The CCEDU warned the results were not fully credible due to preelectoral violence and COVID-19-related restrictions. While Wine accused the government of stuffing ballot boxes, the CCEDU did not report such incidents. Wine filed a legal challenge in early February, calling for the results to be rejected, but withdrew his case later that month.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 2021 elections for members of the unicameral Parliament were held concurrently with the presidential vote. A total of 499 representatives were directly elected, including

parliamentarians for 353 single-member constituencies and 146 holders of seats reserved for women. Another 30 were chosen to represent special interest groups (youth, the elderly, workers, the military, and persons with disabilities). Ex officio members hold 27 seats.

The ruling NRM won 336 directly elected seats in January 2021, while the NUP won 57 and the FDC won 32. No other party won more than 10 seats. As with the concurrent presidential election, parliamentary contests were affected by violence, selectively enforced COVID-19 restrictions, internet shutdowns, and restrictions on journalists.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Independent observers, civil society, and opposition leaders have long called for substantive electoral-law reforms. Following the flawed 2016 elections, the Supreme Court called on the attorney general to implement electoral reforms, though no meaningful changes were advanced by a 2018 deadline. In early 2020, Parliament passed five overdue electoral reform bills, four of which received assent that July.

Opposition politicians criticized the management of the January 2021 elections. The NUP noted the Electoral Commission's (EC) admission that it did not add results from over 1,200 polling sites, many of them in Kampala, to its count. The NUP also accused authorities of confiscating a computer containing voting data after polling day, which it claims would have shown evidence of fraud. Residents of the northern village of Apaa, the site of a long-running land-rights dispute, were unable to vote after the EC excluded them from the voter roll.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The formation of political parties is protected by law, and multiple parties exist and compete in practice. However, the activities of opposition groups are hindered by restrictive party registration requirements and candidate eligibility rules, a lack of access to state media coverage, and violence or harassment by state authorities and paramilitary groups.

In June 2020, the government prohibited all political gatherings, ostensibly to curtail the spread of COVID-19, but disproportionately enforced the ban on the opposition. Candidates were forced to campaign using media that are heavily influenced by the NRM, like radio and television. While opposition rallies were dispersed, the NRM held events without interference. Following the November 2020 arrest of Wine at a rally, security forces violently dispersed protests organized by Wine's party, killing 54 people.

The government maintained pressure on the opposition after polling day in January 2021. Several days after the polls, the NUP reported that military personnel raided its headquarters. In early February, Wine claimed that over 3,000 NUP members had been abducted by the authorities, though the government claimed that only 31 members had been arrested. Academic Stella Nyanzi, a 2021 FDC parliamentary candidate, claimed that her partner, an NUP member, was abducted and tortured days ahead of the vote. Nyanzi and her children fled for Kenya in February.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The NRM dominates all levels of government. There are several dozen opposition lawmakers, as well as numerous independents, though some of the latter support the NRM.

Election campaigns are characterized by violence, intimidation, and harassment toward opposition parties.

Leaders of opposition parties and political movements are sometimes arrested on trumped-up criminal charges. Wine was arrested several times during the 2020–21 campaign period and was placed under house arrest on polling day. Wine had previously been charged with treason over a 2018 incident; police alleged that Wine and his supporters obstructed Museveni's motorcade and threw stones at the vehicles. In September 2021, two NUP parliamentarians accused of murder earlier in the year were arrested on treason charges. In December 2021, Wine reported that authorities surrounded his home as he prepared to travel to Kayunga District ahead of a local by-election.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The military, which is closely aligned with Museveni and the NRM, holds 10 seats in Parliament. The government and ruling party reportedly use public resources and patronage networks to build political support among religious leaders and other influential figures.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Although Uganda has many diverse ethnic groups, they lack equal representation and opportunities. Groups like Alur, Ik, Bagungu, Bakonzo, Kakwa, Batwa, and Karamojong are disproportionately affected by violent conflicts, have less access to education, and receive inadequate health care. The NRM's dominant position and coercive tactics impede free political participation and advocacy of interests by various ethnic groups, including those affiliated with subnational kingdoms and smaller Indigenous groups.

An assessment of women's participation in the 2016 elections by the Women's Democracy Group, a coalition of Ugandan NGOs, noted a widespread perception that "[women] should not contest for direct positions... to reduce on the competition for male contestants" because some seats are reserved for women. Women hold 33.8 percent of Parliament's seats as of September 2021.

Due to severe legal and societal discrimination, the interests of LGBT+ people are not represented in politics.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Power is concentrated in the hands of the NRM leadership, the security forces, and especially Museveni, who retains office through deeply flawed electoral processes. Lawmakers have little practical ability to influence legislation in which the government has a particular interest, though there is more consultation on ordinary policy matters. The executive has secured passage of key legislation through inducement, harassment, and intimidation of the legislative branch.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is a serious problem. There are laws and institutions designed to combat official malfeasance, including the Anti-Corruption Act of 2009 and the Inspectorate of Government, and instances of alleged graft have led to investigations and intense media attention. However, the system has not been effective at addressing corruption in a sustained manner, and top government officials are rarely prosecuted in practice.

C3. Does the government operate with openness and transparency? 1 / 4

Many government departments deny requests for information under the Access to Information Act (AIA). Other laws related to national security and confidentiality also impede open access to information in practice. The AIA is not uniformly applied. Government agencies seem to release information that only favors the regime. For example, in September 2020, the EC made public the academic documents of Bobi Wine while refusing to release those of President Museveni, despite numerous petitions.

Public procurement decisions are generally opaque.

CIVIL LIBERTIES: 23 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16****D1. Are there free and independent media? 1 / 4**

The media sector features many independent outlets. Ugandans rely heavily on local radio stations. Journalists and authors face arrest, harassment, intimidation, and assault in reprisal for their work. Authorities routinely raid and shut down radio stations and other outlets and remove accreditation from journalists in retribution for their reporting.

During the 2020–21 electoral period, journalists covering Wine's campaign events were harassed, assaulted, and detained on various charges. At least four journalists were harassed and detained between January 12 and January 20, 2021. One journalist, *New Vision* reporter Emmanuel Ojok, was physically attacked and detained by soldiers when he filmed their confrontation with an opposition candidate. In February, security forces assaulted at least 10 journalists covering Wine's delivery of a petition to the Office of the UN High Commissioner for Human Rights (UNHCR) in Kampala.

Outlets were also targeted during the electoral period. In November 2020, military and police personnel forced Wine to leave the studio of Spice FM in Hoima District; by then, Wine had been prevented from speaking on 13 radio stations. That December, Jinja radio station Busoga One was threatened with closure for hosting Wine. Busoga One was closed on polling day in January 2021, with police claiming it was inciting violence; it resumed broadcasting later that month. Jinja-based Baba FM was shut down several days after the polls, with the authorities making similar accusations.

In December 2021, author Kakwenza Rukirabashaija was detained by authorities after making satirical comments about President Museveni and Lieutenant General Muhoozi Kainerugaba, his son, on social media. Rukirabashaija remained in custody at year's end.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

There is no state religion, and freedom of worship is both constitutionally protected and generally respected in practice. However, the government has restricted religious groups whose members allegedly pose security risks. It has also sought to control political statements by religious leaders, tolerating those who express support for Museveni and the NRM while subjecting those with more critical views to intimidation, harassment, and arrest.

A number of Muslim clerics have been murdered in recent years, and the investigations into the crimes have not yet led to any convictions.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom has been undermined by alleged surveillance of university lectures by security officials, and by the need for professors to obtain permission to hold public meetings at universities. In 2018, 45 staff members at Makerere University in Kampala were

dismissed for indiscipline, but critics argued that the dismissals were meant to silence government critics. In September 2021, Victoria University vice chancellor Lawrence Muganga was detained over espionage suspicions. Muganga, a member of the Banyarwanda ethnic group, previously campaigned to rename the community in Uganda to lessen government discrimination. Muganga was released a day later.

Authorities often respond harshly to campus protests by student groups.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Private speech is relatively unrestrained, and Ugandans openly criticize the government on social media. However, individuals risk criminal penalties for such speech, and the government reportedly monitors social media platforms. Media reports in December 2021 indicated that Ugandan intelligence officials used the Pegasus spyware suite against journalists, at least one opposition figure, and US government employees working in Uganda or on matters there.

In 2018, the government implemented a controversial social media tax, requiring users on platforms like Facebook, Twitter, and WhatsApp to pay a prohibitively expensive 200 shilling (\$0.05) daily fee. The tax was repealed in April 2021, with that decision taking full effect in July. However, Parliament also voted to introduce a 12 percent internet data tax in April.

In late 2020, the UCC announced that online content creators must register and pay a \$27 fee. Critics claim the regulations curtail freedom of speech for Ugandans who criticize the government online.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

In March 2020, the Constitutional Court annulled the Public Order Management Act (POMA), the 2013 public order law that required groups to register with local police in writing three days before any gathering to discuss political issues. The government prevented opposition rallies using POMA, which gave police the authority to deny approval for meetings that were not deemed to be in the “public interest” and to forcefully disperse assemblies judged unlawful.

Unlawful, unjustified, and disproportionate uses of force against protesters were common occurrences in 2020. That November, the authorities killed 54 people during protests in Kampala and other towns. Authorities continued to interfere with protests in 2021; in March, police and military personnel briefly detained Wine as he participated in a Kampala protest.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Civil society in Uganda is active, and several NGOs address politically sensitive issues. However, their operations are vulnerable to various legal restrictions, burdensome registration requirements, and occasional threats. NGOs that work on human rights issues have reported break-ins at their offices and burglaries in recent years, with police failing to adequately investigate the incidents.

In 2019, the government required NGOs to submit information to the National Bureau for NGOs on their staffing, finances, and activities. That November, the interior minister ordered some 12,000 NGOs to close for failing to renew their registration, though the bureau said the groups would still have an opportunity to reregister. In August 2021, the government ordered the closure of 54 NGOs, including the CCEDU and Chapter Four, ostensibly for failing to comply with legal requirements.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers' rights to organize, bargain collectively, and strike are recognized by law, except for workers providing essential government services. As of 2018, there were 42 trade unions in Uganda, representing close to one million people. Most are grouped under two umbrella entities—the National Organization of Trade Unions (NOTU) and the Central Organization of Free Trade Unions (COFTU). Despite their legal and institutional protections, trade unions have been undermined in practice by co-optation, intimidation, and manipulation designed to frustrate their organizing and bargaining efforts.

F. RULE OF LAW: 4 / 16**F1. Is there an independent judiciary? 1 / 4**

Executive influence and systemic corruption weaken judicial independence. In 2019, the chief justice established an internal task force to investigate corruption allegations, but the FDC called for an independent probe. In 2020, the US State Department sanctioned two judges over allegedly corrupt behavior linked to an adoption program.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police routinely engage in arbitrary arrests and detentions, despite legal safeguards against such practices. Due process is also affected by prolonged pretrial detention, inadequate access to counsel for defendants, and corruption. A number of reform initiatives in recent years, including the introduction of plea bargaining in 2015, have reportedly had some success in reducing case backlogs. Police are known to rearrest suspects who have been released from detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Rape, extrajudicial violence, and torture and abuse of suspects and detainees by security forces are persistent problems, and perpetrators are rarely prosecuted.

The Lord's Resistance Army (LRA), a militant group that sought to overthrow the government, was active from the 1980s until its forced withdrawal from Ugandan territory in the mid-2000s. In February 2021, the International Criminal Court convicted LRA leader Dominic Ongwen of crimes against humanity. Ongwen received a 25 year prison term in May.

Prison conditions are poor. The prison system operates at triple its intended capacity, with pretrial detainees constituting nearly half of the inmate population.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Ugandan laws prohibit discrimination based on ethnic origin, religion, age, race, disability, color, and sex. However, the LGBT+ community faces overt hostility from the government and much of society. Same-sex relations are criminalized under a colonial-era law. Men and transgender women accused of consensual sex are sometimes forced to undergo an anal exam that Human Rights Watch (HRW) says could amount to torture. In May 2021, Parliament approved the Sexual Offences Bill of 2019, which would criminalize same-sex intercourse and anal sex regardless of gender. Museveni declined to sign it in August, saying its provisions effectively exist in the penal code.

The law prohibits employment discrimination based on gender and other criteria, but it does not cover the informal sector, in which most women work, and women are subject to de facto discrimination in employment and other matters.

There were 1.6 million refugees living in Uganda as of November 2021, and the United Nations has praised the government for its progressive asylum policies. However, it struggles to fund basic services for some refugee populations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement is largely unrestricted, including for refugees, most of whom live outside of camps. However, bribery is common in many facets of life, such as interacting with traffic police, gaining admittance to some institutions of higher education, and obtaining government jobs.

During the COVID-19 pandemic, the Ugandan government implemented strict measures and movement restrictions, which were at times violently enforced.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Customary land tenure is widespread in the north, and land disputes—some of them violent—are common, particularly when private development projects are at stake. Forced evictions sometimes occur in northern and central Uganda. The law allows women to inherit land, but local customary rules and societal practices put women at a disadvantage regarding land tenure and inheritance.

In 2020, the government received a commission of inquiry's (CoI) report on land rights, which recommended the establishment of land courts and of an ombudsman among other measures. In April 2021, Museveni said the government would legislate based the CoI's findings.

In August 2021, Museveni and local leaders in Apaa agreed to launch a CoI to address a long-running land dispute; authorities have evicted residents for years after land there was devoted to conservation in 2002.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Domestic violence is widespread and underreported, and underage marriages are common in some communities. Some 34 percent of women aged 20 to 24 are married by age 18 and more than 60 percent of young adults experienced physical abuse as children, according to a 2019 UN Children's Fund report.

A Nordic Africa Institute report published in May 2021 noted that Ugandan girls were at higher risk of gender-based violence (GBV) during COVID-19-related school closures. Nearly 645,000 teenage pregnancies were reported between March 2020 and September 2021 according to the UN Population Fund.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Poor enforcement of labor laws contributes to unsafe or exploitative conditions for some workers, including extremely low pay. Child labor in agriculture, domestic service, and a variety of other industries is a significant problem, and the issue is most prevalent in rural areas. Sexual exploitation of minors is also an ongoing problem.

While Uganda maintains domestic laws to promote workers' rights, the government has failed to regulate the recruitment and transfer of Ugandan domestic workers to Middle Eastern countries. Accounts that surfaced in 2019 described workers experiencing sexual abuse, beatings, exploitation, and torture. In September 2021, The Gender, Labour, and Social Development Ministry introduced draft regulations meant to address this issue.

Ukraine

Population: 41,400,000

Capital: Kyiv

Freedom Status: Partly Free

Electoral Democracy: Yes

Note: The numerical scores and status listed above do not reflect conditions in Crimea and Eastern Donbas, which are examined in separate reports. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Ukraine has enacted a number of positive reforms since the protest-driven ouster of then president Viktor Yanukovych in 2014. However, corruption remains endemic, and the government's initiatives to combat it have met resistance and experienced setbacks. Attacks against journalists, civil society activists, and members of minority groups are frequent, and police responses are often inadequate. Russia occupies the autonomous Ukrainian region of Crimea, which it annexed in 2014, and its military supports armed separatists in the eastern Donbas area.

KEY DEVELOPMENTS IN 2021

- President Volodymyr Zelenskyy targeted several television stations aligned with pro-Russia politician and businessman Viktor Medvedchuk during the year. In February, Zelenskyy signed an order blocking the broadcasts of NewsOne, ZIK, and 112, while First Independent and UkrLive were similarly targeted by the government in late December.
- President Zelenskyy continued in his efforts to remove Constitutional Court Chief Justice Oleksandr Tupytsky, who had been implicated in corruption, during the year. In March, Zelenskyy signed a decree dismissing him and another Constitutional Court member, which was overturned by the Supreme Court in July. The president then attempted to appoint two new Constitutional Court members in late November, but the court declined to swear them in.
- In February, former PrivatBank executive Volodymyr Yatsenko was arrested on embezzlement charges, while former board chairman Oleksandr Dubilet was arrested in absentia in June. Anticorruption investigators suspected that Dubilet perpetrated the disappearance of PrivatBank funds before it was nationalized in 2016.
- Zelenskyy and two close associates were implicated in offshore financial activity in October with the release of the Pandora Papers, a cache of documents revealing the offshore activities of political leaders and other prominent individuals worldwide. That month, the Organized Crime and Corruption Reporting Project (OCCRP) reported that Zelenskyy formed offshore companies before becoming president but continued to profit from them after taking office. The president denied involvement in money laundering later that month.

A. ELECTORAL PROCESS: 9 / 12**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is directly elected for a maximum of two five-year terms. In the 2019 election, held in two rounds in March and April, Volodymyr Zelenskyy defeated incumbent president Petro Poroshenko with 73.2 percent of the second-round vote, winning a majority of votes in all but one Ukrainian region. International observers deemed the vote competitive and credible, although polling could not take place in Crimea and separatist-held parts of Donbas.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 450 members of the unicameral Supreme Council (Verkhovna Rada) are elected to five-year terms through a mixed system in which half of the members are chosen by closed-list proportional representation and the other half in single-member districts. Future elections will be held under a new system approved in December 2019.

In early elections held in July 2019, President Zelenskyy's Servant of the People party won 254 seats, giving them an outright majority—the first time any party crossed that threshold since independence. The Poroshenko bloc, which had rebranded as European Solidarity, took 25 seats. The Opposition Platform–For Life grouping took 43 seats, Fatherland 26, and the Voice Party 20.

The elections were deemed generally competitive and credible, despite some problems. Voting was impossible in Crimea and separatist-held parts of Donbas. Consequently, the elections filled only 424 of the 450 seats. Additionally, approximately one million Ukrainian citizens were unable to vote because for lack of a registered address. An Organization for Security and Co-operation in Europe (OSCE) election monitoring mission cited irregularities including “widespread vote-buying, misuse of incumbency, and the practice of exploiting all possible legislative loopholes” that contributed to inequalities among competitors.

In October 2020, Ukraine held its first local elections under electoral reforms and revisions passed in 2019. A plurality of elected local councilors nationwide were independent candidates. Servant of the People was largely unsuccessful when contesting the mayoralties of larger cities, though it maintained representation on most city councils. Despite the Central Election Commission's (TVK) generally timely and professional administration of the election during the COVID-19 pandemic, OSCE observers expressed concern about the often-politicized work of territorial commissions, widespread vote-buying allegations, and abuse of state resources, among other issues.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The mixed electoral system for the parliament that has governed past polls, including those in 2019, has been criticized as prone to manipulation and vote-buying. President Zelenskyy attempted to introduce an entirely party list–based system prior to the 2019 parliamentary election but could not garner enough parliamentary support. That December, the new parliament adopted an electoral code that partially implemented a proportional-representation voting system, with open party lists for both parliamentary and local elections. Zelenskyy enacted it at that year's end.

Local elections were held under the new code, which was modified several times in 2020, that October. The TVK decided not to conduct local elections in 18 communities in the Donetsk and Luhansk regions of eastern Ukraine, located close to the contact line

with noncontrolled territories. The decision affected 475,000 voters, who continued to be governed by military-civil administrations, which are appointed directly by the president. In December 2021, the TVK began discussions with the Donetsk and Luhansk military-civil administrations on the possibility of holding elections there in March 2022.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

With the exception of a ban on the Communist Party, there are no formal barriers to the creation and operation of political parties. In November 2021, for example, Dmytro Razumkov announced the formation of the Smart Politics party after parliamentarians had removed him as speaker. Also in November, Razumkov announced that 24 parliamentarians joined Smart Politics, 21 of them members of Servant of the People.

A law that took effect in 2016 provides parliamentary parties with state funding, but effectively favors established groups. Under that law, parties must win at least 5 percent of votes to receive funding.

Party financing in Ukraine remains opaque, despite robust laws to regulate it. In September 2021, the parliament passed a law banning politically connected business magnates, known as oligarchs, from funding political parties. President Zelenskyy signed it into law in November.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Ukrainian politics feature dynamic competition among parties. Opposition groups are represented in the parliament, and their political activities are generally not impeded by administrative restrictions or legal harassment. Generally, grassroots parties have difficulty competing with more established parties that have enjoyed the support and financial backing of oligarchs.

In the second election round held in April 2019, Zelenskyy won the presidency by a large margin, defeating then incumbent president Poroshenko. In the July 2019 elections, Servant of the People took an absolute majority of parliamentary seats, defeating the incumbent European Solidarity group.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Russian influence in Ukraine declined in the years after Yanukovych's ouster, though Moscow continues to wield influence in some eastern and southern regions.

Oligarchs exert significant influence over politics either directly or indirectly, including through financial support for various political parties and lobbying for the appointment of loyalists to key institutional positions. However, individuals defined as oligarchs under legislation signed into law in November 2021 were prohibited from funding political parties.

Although electoral laws forbid the use of public resources in election campaigns, incumbent officials have used administrative resources during the local election campaign, while law enforcement turned a blind eye to the practice.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

There are no formal restrictions on the participation of women and members of ethnic, racial, or other minority groups in political life. However, their voting and representation are hindered by factors including discrimination that discourages political participation, the conflict in the east, and the lack of identity documents for many Roma. Internally displaced persons (IDPs), who number 1.5 million, face legal and practical barriers to voting. Independent candidates cannot run for local council positions in towns with over 10,000 inhabitants. Societal discrimination against LGBT+ people affects their ability to engage in political and electoral processes.

A record 87 women were elected to the parliament in 2019, though this amounted to only 20 percent of all seats. Local elections held in October 2020 were the first to be held with a mandatory 30 percent party-list gender quota, though some local lists did not comply with that requirement. Female representation in city councils stood at 30.2 percent after those elections, an improvement over the 18.1 percent figure in their previous terms. Female regional council representation, meanwhile, increased from 15 percent to 27 percent.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials craft and implement reforms, though many initiatives stall due to opposition from powerful business groups and other special interests. The main obstacle to effective governance in government-controlled parts of Ukraine is corruption.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a serious problem, and the political will to fight it is eroding despite strong pressure from civil society. Anticorruption agencies have repeatedly been ensnared in politically fraught conflicts with other state entities and elected officials. In a ruling published in October 2020, the Constitutional Court restricted many of the powers held by the National Agency on Corruption Prevention, restricting its ability to function.

The Ukrainian anticorruption framework faced continued obstacles in 2021. In late December, the Kyiv District Administrative Court ended a competitive process to select the head of the Special Anti-Corruption Prosecutor's Office. A day after the court's ruling, a committee evaluating candidates reported that anticorruption official Oleksandr Klymenko scored its highest rating, but he did not assume that post by year's end.

Major corruption cases nevertheless continued during 2021. In February, Volodymyr Yatsenko, a former PrivatBank deputy chief executive, was arrested and charged with embezzlement while trying to leave Ukraine. Former board chairman Oleksandr Dubilet was placed on a wanted list in March and was arrested in absentia in June. Kyiv nationalized PrivatBank, then owned by oligarch Igor Kolomoisky, in 2016 over capital shortfalls; anticorruption investigators claimed that \$315 million in funds had gone missing from PrivatBank soon before its nationalization, allegedly at Dubilet's instruction. The PrivatBank investigation was ongoing at year's end.

President Zelenskyy was implicated in profiting from offshore companies after the October 2021 release of the Pandora Papers, a large cache of documents revealing the offshore activity of leaders and other prominent individuals worldwide for purposes that may include tax evasion. That month, the OCCRP reported that Zelenskyy formed offshore companies before his election and continued to profit from them after taking office. Presidential aide Serhiy Shefir and Security Service of Ukraine head Ivan Bakanov, who were associates of the president since before his election, were reportedly involved in the offshore network. Zelenskyy denied that he or his associates engaged in money laundering that month.

C3. Does the government operate with openness and transparency? 1 / 4

In previous years, Ukraine made some progress in advancing transparency, for example by requiring that banks publish the identity of their owners, and by passing a 2016 law obliging politicians and bureaucrats to file electronic declarations of their assets. However, in October 2020, the Constitutional Court annulled the asset-declaration law, as well as a law that dictates criminal punishments for falsified asset reporting. Law enforcement agencies were forced to close some corruption cases and remove the full database of official declarations from public access. Parliament reinstated a weakened version of the law that December.

Ukraine has made progress enhancing the accessibility of information about public procurements in recent years but failed to set up a centralized system for purchasing medical equipment—including vaccines—to fight the COVID-19 pandemic in a timely and transparent manner. COVID-19-related procurement processes have been susceptible to misuse. In April 2021, the State Audit Office reported that some procurements secured through a COVID-19 fund lacked needed documentation, while others were secured by ineligible bidders.

CIVIL LIBERTIES: 35 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16****D1. Are there free and independent media? 2 / 4**

The constitution guarantees freedoms of speech and expression, and libel is not a criminal offense. The media landscape features considerable pluralism and open criticism of the government and investigation of powerful figures. However, business magnates own and influence many outlets, using them as tools to advance their agendas. President Zelenskyy has previously received significant support from Kolomoisky-controlled media outlets. Other parties also receive favorable coverage from “friendly” media.

A number of Russian news outlets and their journalists are prohibited from entering the country. Various language laws require news outlets to produce certain content in the Ukrainian language.

The Zelenskyy administration targeted several news outlets operating in Ukraine over purported connections to Russia during 2021. In February, Zelenskyy signed an order effectively blocking the transmission of three television channels—NewsOne, ZIK, and 112—which are believed to be indirectly controlled by Viktor Medvedchuk, a leader of the pro-Russian Opposition Platform—For Life political group. The office of European Commission vice president Josep Borrell Fontelles voiced concern over the move later that month, calling for “proportional” decisions from Kyiv. In August, Zelenskyy banned news site Strana.ua; editor in chief Ihor Huzhva, who lives in exile in Austria after being sanctioned in 2018, was accused of disseminating “pro-Russian propaganda” by the National Security and Defense Council (RNBO). In late December, the president sanctioned Medvedchuk-aligned television channels First Independent and UkrLive, taking them off the air.

Journalists continued to face threats of violence and intimidation in 2021. In October, guards at the offices of the State Export-Import Bank of Ukraine (Ukreximbank) physically detained two journalists affiliated with Radio Free Europe/Radio Liberty (RFE/RL) after they asked chief executive Yevhen Metzger about Ukreximbank’s lending activity. The National Police launched a criminal case later that month, while Metzger resigned from Ukreximbank.

In early October 2021, the independent Institute of Mass Information counted 139 freedom-of-speech violations against journalists during the year to date, including 73 obstruction cases, 17 physical attacks, 12 threats, 11 access-to-information restrictions, and 10 cybercrimes. Only seven court decisions on freedom-of-speech violations were recorded during the same period.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution and a 1991 law define religious rights in Ukraine, and these are generally respected. However, smaller religious groups continue to report some discrimination. Vandalism of Jewish structures and cemeteries continues. Acknowledging one's atheism may result in discrimination.

In 2018, Ukrainian Orthodox clerics received permission from religious authorities in Istanbul, the historical seat of the Eastern Orthodox Church, to create their own autocephalous church and remove it from the Russian Orthodox Church's canonical jurisdiction. A new Orthodox Church of Ukraine was formed that December to unite existing factions. While the Kremlin and church leaders in Moscow objected, tensions between the Orthodox Church of Ukraine and the Ukrainian branch of the Russian Orthodox Church have decreased in recent years.

In October 2021, President Zelenskyy signed a law that legally defines and combats antisemitism. The law also defines the destruction of buildings and monuments as antisemitic and prohibits denial of the Holocaust.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

A 2014 law dramatically reduced the government's control over education and allowed universities much greater freedom in designing their own programs and managing their own finances. A law adopted in 2017 was designed to align the country's education system with those in the European Union (EU), but it drew criticism for provisions that mandate the use of Ukrainian as the primary language of instruction in most publicly funded secondary schools by 2020, affecting numerous schools taught in minority languages.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Ukrainians generally enjoy open and free private discussion, although the polarizing effects of the conflict have weighed on political expression, especially relating to questions of individual and national identity. Heated exchanges in the media and instances of violence against those expressing views considered controversial are not uncommon, likely contributing to self-censorship among ordinary people.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12 (+1)**E1. Is there freedom of assembly? 3 / 4 (+1)**

The constitution guarantees the right to peaceful assembly but requires organizers to give the authorities advance notice of demonstrations. Ukraine lacks a law governing the conduct of demonstrations and specifically providing for freedom of assembly.

Public gatherings and protests were commonly held during 2021, as COVID-19 restrictions were loosened during the year. However, COVID-19 measures did affect a January gathering in Kyiv marking the 2009 murders of human rights lawyer Stanislav Markelov and journalist Anastasiya Baburova. Participants, some of whom were forcibly placed onto a police bus and physically assaulted, were charged with violating pandemic restrictions.

Nationwide women's rights rallies were held on March 8, International Women's Day, but were also accompanied by counterprotests organized by Tradition and Order, a right-wing nationalist group. The March 8 events were largely peaceful, with marchers and counterprotesters kept separate by police. Several participants in the Kyiv march were injured by counterprotesters, however.

Several pride parades were held in 2021, though counterprotesters attempted to attack authorities and participants during some of the year's events. An August pride parade in Odesa was marred by clashes between police and Tradition and Order members, who deployed tear gas against officers. Some 51 group members were detained, including the group's Odesa chapter head, while 29 officers were injured. An attempt to interfere with a pride event in Kharkiv in September was stymied by the authorities. No incidents were reported during the September pride parade in Kyiv. This was a marked improvement over previous parades in the capital, where marchers and police officers were attacked by right-wing and nationalist assailants.

Score Change: The score improved from 2 to 3 because the police were more effective in ensuring that public assemblies, including LGBT+ parades, proceeded with limited interference from counterprotesters during the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Numerous civic groups emerged or were reinvigorated following the departure of Yanukovich in 2014, and many can influence decision-making at various levels of government. The 2020 edition of the *CSO Sustainability Index for Central and Eastern Europe and Eurasia* reported that Ukrainian nongovernmental organizations (NGOs) were among the most stable and effective in the region, though civil society was affected by the COVID-19 pandemic.

In 2019, the Constitutional Court struck down a law that had required NGO leaders, staff, and contractors focused on corruption to submit asset and income declarations. However, NGOs are required to disclose their ultimate beneficiaries and ownership structure under money-laundering legislation. In October 2021, as the deadline for compliance approached, more than 200 NGOs claimed the law unjustly interfered with their work in an open letter. An amendment passed later that month extended the deadline to July 2022.

Civil society activists face intimidation and threats; law enforcement fails to bring all perpetrators to justice. In September 2021, the ZMINA Human Rights Centre recorded 88 incidents targeting activists in government-controlled territory during the first nine months of the year, an increase over the 77 incidents recorded during the same period in 2020.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Trade unions function in the country, but strikes and worker protests are infrequent, as the largest trade union, stemming from the Soviet-era labor federation, lacks independence from the government and employers. Factory owners still pressure their workers to vote according to the owners' preferences.

In October 2021, Federation of Trade Unions of Ukraine members rallied against planned changes to the labor code in Kyiv. While the rally blocked traffic, it was conducted peacefully.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Ukraine has long suffered from corrupt and politicized courts, and reform initiatives meant to address the issue have stalled or have fallen short of expectations.

In October 2020, President Zelenskyy unsuccessfully attempted to dissolve the Constitutional Court after it annulled anticorruption laws. That December, Zelenskyy issued a decree suspending Constitutional Court Chief Justice Oleksandr Tupytsky, who was being investigated for bribery and witness tampering. Zelenskyy attempted to dismiss him and another justice outright in March 2021. While the Supreme Court overturned the dismissal

in July, Zelenskyy attempted to appoint two new judges to the Constitutional Court in late November. The court declined to swear the president's appointees in.

In November 2021, President Zelenskyy announced the members of the Ethics Council, which is responsible for judicial integrity within the High Council of Justice. The Ethics Council was created via a judicial reform law passed by parliamentarians in July.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Although due process guarantees exist, in practice individuals with financial resources and political influence can escape prosecution for wrongdoing. According to the World Prison Brief, 36 percent of prisoners were in pretrial detention as of October 2021. Judges have also stymied corruption investigations into high-profile officials, including within the judiciary.

In June 2020, the parliament adopted a law allowing prosecution of “thieves in law”—people who exert criminal influence and coordinate the criminal activities of others. In May 2021, the government identified and sanctioned 557 individuals as “thieves in law,” most of them residing outside Ukraine. In October, however, RNBO secretary Oleksiy Danilov reported that 108 people were wrongfully added to the list.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The security situation is generally stable outside of the occupied areas. However, the trafficking of weapons and ammunition from conflict zones has contributed to the proliferation of weapons throughout Ukraine. In March 2021, a parliamentary committee chairman warned that anywhere from 2 to 6 million unregistered weapons were present in Ukraine, compared to 1.2 million registered weapons.

Targeted assassinations and assassination attempts also occur, and perpetrators are known to escape justice. In August 2021, prominent Belarusian activist Vitaliy Shishov was found dead in a park in Kyiv. In late September, a car carrying presidential aide Serhiy Shefir was shot at near Kyiv, though he survived the incident.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

A 2012 law introduced a nonexclusive list of grounds on which discrimination is prohibited. Gender discrimination is explicitly banned under the constitution. However, these protections are inconsistently enforced. The Romany minority and LGBT+ people experience significant discrimination in practice. Roma and LGBT+ people and groups generally only receive police protection or justice for attacks against them when there is intense pressure from civil society or international observers. Rights groups have reported that employers openly discriminate on the basis of gender and age.

Women who left the military have more difficulty receiving pensions, as they were prohibited from combat duty until 2018. Women serving in the military also face discrimination while in uniform.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement is generally not restricted in areas under government control. However, Ukraine's cumbersome system requiring individuals to be legally registered at an address in order to vote and receive other important services creates a barrier to full freedom

of movement and employment. Movement restrictions in Ukraine due to the COVID-19 pandemic disproportionately impacted the elderly, the poor, and families with children.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The government has taken steps to scale back regulation of private businesses in recent years, though the business environment is affected by widespread corruption. A reform law allowing the sale of agricultural land went into effect in July 2021, ending a moratorium. Under the law, only individual Ukrainian citizens can currently buy and sell farmland; organizations will be able to acquire such land beginning in 2024, so long as their participating members are all Ukrainian citizens.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict personal social freedoms, though same-sex marriage remains unrecognized in Ukraine.

Domestic violence is widespread, and police responses to the few victims who report such abuse are inadequate. COVID-19 lockdowns led to a surge in domestic violence; the number of reported cases increased by 66 percent in 2020 through November when compared to 2019. In July 2021, President Zelenskyy signed a law allowing domestic abuse survivors to receive compensation while making it easier to prosecute security officers and other officials who are accused of domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The trafficking of women domestically and abroad for the purpose of prostitution continues. IDPs are especially vulnerable to exploitation for sex trafficking and forced labor.

Labor laws establish a minimum wage that meets the poverty level, as well as a 40-hour work week and workplace safety standards. However, workers at times go unpaid, and penalties for workplace safety violations are lenient.

United Arab Emirates

Population: 9,800,000

Capital: Abu Dhabi

Freedom Status: Not Free

Electoral Democracy: No

Overview: The United Arab Emirates (UAE) is a federation of seven emirates led in practice by Abu Dhabi, the largest by area and richest in natural resources. Limited elections are held for a federal advisory body, but political parties are banned, and all executive, legislative, and judicial authority ultimately rests with the seven hereditary rulers. The civil liberties of both citizens and noncitizens, who make up an overwhelming majority of the population, are subject to significant restrictions.

KEY DEVELOPMENTS IN 2021

- In January, the UAE resumed diplomatic relations with Qatar. The countries' ties were severed in 2017 over Qatar's support for the Muslim Brotherhood, which the UAE had declared a terrorist organization.
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- Also in January, UAE prime minister Sheikh Mohammed bin Rashid al-Maktoum announced that some foreigners, namely investors and professionals in certain fields, could seek naturalization under a citizenship-law amendment.
- In July, the *Guardian*, a British newspaper, reported on the UAE's likely use of the Pegasus spyware suite against individuals including British academic Matthew Hedges and the late Alaa al-Siddiq, a UK-based activist.
- In November, the emirate of Abu Dhabi announced a law that would, among other things, allow for civil marriages and the joint custody of children for non-Muslims. The emirate also announced the creation of a court to adjudicate matters under the new law.

POLITICAL RIGHTS: 5 / 40

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The Federal Supreme Council, comprising the dynastic rulers of the seven emirates, is the country's highest executive body. It selects a president and vice president from among its members, and the president appoints a prime minister and cabinet. The emirate of Abu Dhabi has controlled the federation's presidency since its inception in 1971; the current president, Sheikh Khalifa bin Zayed al-Nahyan, succeeded his father in 2004. In 2006, Sheikh Mohammed bin Rashid al-Maktoum succeeded his late brother as ruler of the emirate of Dubai and as vice president and prime minister of the UAE.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The unelected Federal Supreme Council is also the country's highest legislative authority, but it is advised by the 40-seat Federal National Council (FNC), which can review proposed laws and question government ministers.

Since 2006, half of the FNC's members have been elected for four-year terms on a nonpartisan basis by an electoral college chosen by the rulers of each emirate, while the government directly appoints the other half. The size of the electoral college has expanded over time. For the October 2019 elections it grew to 337,000 members, up from 224,000 in 2015, though this still fell far short of the entire voting-age citizen population. Close to 500 candidates vied for the 20 elected seats. Voter turnout remained low at about 35 percent, matching the 2015 level.

There are no elected legislative bodies in the individual emirates.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The UAE's electoral framework applies only to the advisory FNC, and it lacks universal suffrage. While the electoral college has expanded, and overseas voting was permitted for the first time in 2015, there is no accountability for the procedures by which the rulers of each emirate draw up the lists of eligible voters. The geographical allocation of FNC seats results in significant overrepresentation for the smaller emirates.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Political parties are banned. All electoral candidates run as independents.

Since 2011, the UAE has aggressively cracked down on opposition activists, particularly if they are suspected of belonging to the Association for Reform and Guidance (Al-Islah), a group formed in 1974 to advocate for democratic reform. The government has accused Al-Islah members of being foreign agents of the Muslim Brotherhood intent on overthrowing the regime and designated the Muslim Brotherhood as a terrorist organization in 2014. Qatar's support for the Muslim Brotherhood has been a factor in efforts by the UAE, Saudi Arabia, and their regional allies to isolate that country in 2017. In January 2021, the UAE and Qatar reestablished diplomatic relations.

Despite the shift in regional relations, dozens of activists, civil society leaders, academics, and students remained imprisoned during 2021, including the prominent economist Nasser bin Ghaith, lawyer Mohammed al-Roken, and human rights advocate Ahmed Mansoor. In September, the UAE government labeled four prominent exiled dissidents terrorists.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The political system grants the emirates' hereditary rulers a monopoly on power and excludes the possibility of a change in government through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The political choices available to eligible voters are severely limited in practice, and the alignments of both voters and candidates are heavily influenced by tribal networks.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Approximately 90 percent of the UAE's population consists of noncitizens who lack political rights and electoral opportunities, including thousands of stateless residents. There is no clear process for obtaining citizenship without Emirati parentage or marriage to an Emirati man; children of Emirati mothers and foreign fathers must apply for naturalization. In January 2021, Prime Minister bin Rashid al-Maktoum announced that some foreigners, namely investors and some trained professionals, could seek naturalization under a citizenship-law amendment.

Women make up about 50 percent of the FNC electoral college, and approximately 180 women ran as candidates in the 2019 elections, more than double the 78 who ran in 2015. Women won seven of the elected seats on the council, and the authorities appointed 13 women in keeping with a pledge to ensure equal representation in the 40-member body. In practice, however, ordinary women have little opportunity to organize independently and advance their interests through the political system.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Government policies are determined by the dynastic rulers of the seven emirates. The FNC performs only advisory functions and has struggled to arrange hearings with government ministers. In practice, policymaking authority has coalesced around the crown prince of Abu Dhabi, Mohammed bin Zayed al-Nahyan, since the titular UAE president suffered a stroke in 2014. The president, Khalifa bin Zayed al-Nahyan, made occasional

appearances in state media in recent years, but there has been no obvious change to the crown prince's de facto leadership.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The UAE is considered one of the least corrupt countries in the Middle East, and the government has taken steps to increase efficiency and streamline the bureaucracy. Nevertheless, there are no genuinely independent anticorruption mechanisms, and senior members of the ruling families are able to shield themselves and their associates from public scrutiny.

The 2018 collapse of the Abraaj Group private equity firm, several months after institutional investors questioned its alleged mismanagement of funds, highlighted regulatory and oversight weaknesses in Dubai's financial sector, which could also have implications for the strength of the country's safeguards against public-sector malfeasance.

C3. Does the government operate with openness and transparency? 0 / 4

The government generally lacks transparency, and despite legal provisions for access to public information, it remains difficult in practice. The State Audit Institution does not release public information about its reports, and its remit is limited to federal entities and state-owned companies, whereas most spending takes place in the individual emirates; the institution can conduct audits of an emirate's entities if asked by its ruler.

CIVIL LIBERTIES: 12 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

The 1980 Publications and Publishing Law, considered one of the most restrictive press laws in the Arab world, regulates all aspects of the media and prohibits criticism of the government. Journalists commonly practice self-censorship, and outlets frequently publish government statements without criticism or comment. Media operate with more freedom in certain "free zones"—areas in which foreign media outlets can produce news content intended for foreign audiences—but the zones remain subject to UAE media laws and have additional regulatory codes and authorities.

Emirati-owned and UAE-based media outlets actively participated in a years-long government-backed media campaign against Qatar. The attorney general warned in 2017 that anyone who showed sympathy or favoritism toward Qatar in any medium could be punished with 3 to 15 years in prison and a fine of at least 500,000 dirhams (\$136,000) under the penal code and a highly restrictive 2012 cybercrime law. The government sought to influence reporting on Qatar even after relations with that country were restored in January 2021; in June, the Federation of African Journalists accused UAE officials of pressuring African press outlets to criticize Qatar's hosting of the 2022 World Cup.

A number of well-known commentators have been jailed in recent years for criticizing the authorities, expressing support for dissidents or human rights, or calling for political reform. Leading human rights activist Ahmed Mansoor, who received a 10-year prison term in 2018 for using social media to "publish false information that damages the country's reputation," remained imprisoned in 2021. Following the 2020 agreement to normalize relations with Israel, Emirati authorities barred writer Dhabia Khamis al-Maslamani from leaving the country, and prosecutors began an investigation into her for social media posts that allegedly threatened national security by criticizing normalization.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Islam is the official religion, and the majority of citizens are Sunni Muslims. Blasphemy is a criminal offense, as is proselytizing to Muslims by non-Muslim groups. The General Authority of Islamic Affairs and Endowments provides regular guidance to Muslim preachers; it and a Dubai counterpart appoint the country's Sunni imams. Shiite clergy have their own council to manage religious affairs.

There have been some allegations of noncitizen Shiite Muslims facing discrimination or deportation in recent years. Christian, Hindu, and Sikh places of worship have been built on plots of land donated by ruling family members. Pope Francis became the first Roman Catholic pontiff to visit the Arabian Peninsula when he traveled to the UAE in 2019 as part of a bid by Emirati officials to emphasize the country's religious tolerance. Later that year, the authorities announced plans to open an Abrahamic Family House, to include a mosque, a church, and a synagogue, in 2022.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The Ministry of Education censors textbooks and curriculums in both public and private schools. Islamic education is required in public schools and for Muslims in private schools. Several foreign universities have opened satellite campuses in the UAE, although faculty members are generally careful to avoid criticizing the government. New York University (NYU) faculty members, students, staff, and support personnel have been denied entry into the country to fulfill roles at NYU's Abu Dhabi campus. The UAE authorities have placed scholars and students who have criticized aspects of government policy on a unified Gulf Cooperation Council (GCC) security list, barring them from the wider region.

In 2018, British doctoral student Matthew Hedges was arrested after completing a research trip to the country. He was held in solitary confinement in Abu Dhabi for five months, convicted on espionage charges after a minutes-long trial, and sentenced to life imprisonment. Under international pressure, he was then pardoned by the UAE president and promptly deported.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

A number of laws give authorities broad discretion to punish individuals' speech on sensitive topics. The 2012 cybercrime law, which amended and replaced a 2006 law, introduced lengthy prison terms for vaguely worded offenses such as damaging "the reputation or the stature of the state or any of its institutions." A 2014 counterterrorism law prescribes punishments including the death penalty for offenses like "undermining national security" and possession of material that opposes or denigrates Islam. A 2015 law against hate speech and discrimination contained loosely worded definitions and criminalized a wide range of free-speech activities. These and other criminal laws have been actively enforced, including against ordinary social media users. In 2020, a court sentenced Ahmed Etoum, a Jordanian living in the UAE, to 10 years' imprisonment for violating the 2012 cybercrime law; Etoum had criticized the Jordanian royal family in a Facebook post.

Human Rights Watch (HRW) reported in 2019 that the authorities had systematically persecuted the relatives and associates of jailed or exiled dissidents, for example by revoking their citizenship, withholding identity documents, banning travel, denying them access to education and employment, and subjecting them to surveillance and intimidation. Such practices serve as a further deterrent to unfettered speech.

The UAE government engages in surveillance and hacking activities. In 2019, Reuters reported on “Project Raven,” a surveillance and hacking initiative that targeted government opponents. In December 2021, the Electronic Frontier Foundation sued DarkMatter, a UAE firm involved in Project Raven, on behalf of Saudi activist Loujain al-Hathloul; al-Hathloul alleged that DarkMatter hacked into her mobile phone. The UAE is also believed to use the Pegasus spyware suite. In July 2021, the *Guardian* reported on the government’s apparent use of Pegasus against individuals including Matthew Hedges and the late Alaa al-Siddiq, a UK-based human rights activist, between 2017 and 2019.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

The government places restrictions on freedom of assembly. Public meetings require government permits, and unauthorized political or labor protests are subject to dispersal by police. Demonstrations are rare in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Nongovernmental organizations (NGOs) must register with the Ministry of Social Affairs and can receive government subsidies, though they are subject to many restrictions. International human rights groups have been denied entry to the UAE. Local human rights activists are at serious risk of detention, prosecution, and mistreatment in custody, and their relatives may be subject to various forms of harassment.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Workers—most of whom are foreign—do not have the right to form unions, bargain collectively, or strike. They can seek collective redress for grievances through state mediation or the courts, and the government sometimes arranges concessions and settlements. Workers occasionally protest against unpaid wages and poor working and living conditions, but such demonstrations are typically dispersed by security personnel, and noncitizens who participate risk deportation. Professional associations require government licenses and are closely monitored by the authorities.

F. RULE OF LAW: 3 / 16

F1. Is there an independent judiciary? 0 / 4

The judiciary is not independent, with court rulings subject to review by the political leadership. Judges are appointed by executive decree, and the judiciary as an institution is managed largely by executive officials. Many judges are foreigners working on short-term contracts.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Detainees are often denied adequate access to legal counsel during interrogations, and lengthy detention without charge is not uncommon. Judges are empowered to extend such detention indefinitely. Systematic violations of international due process standards have been observed in numerous high-profile trials involving political dissidents, human rights defenders, and foreigners, among others. Some of those convicted have their detentions arbitrarily extended after their sentences are complete. Four prisoners were released in April 2021, years after their scheduled release dates.

In August 2021, a Chinese woman claimed that Dubai hosted a Chinese-run detention center; she claimed to have been detained there after being abducted from a Dubai hotel and imprisoned along with ethnic Uyghur detainees.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Authorities have been criticized by international human rights organizations for failure to investigate allegations of torture and mistreatment in custody, including denial of medical care. Detainees regularly report abuse by the authorities. Ahmed Mansoor went on hunger strikes during 2019 to protest the conditions of his detention, having been harshly beaten by prison authorities for his complaints. In January 2021, HRW reported that Mansoor lacked protection from the cold or hygiene products while imprisoned. In May, Matthew Hedges accused UAE authorities of torturing him during his 2018 imprisonment, when he sued four officials in a UK court.

Sharia (Islamic law) courts sometimes impose flogging sentences for offenses including drug use, prostitution, and extramarital sex.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Noncitizens and foreign workers commonly experience discrimination and risk deportation for relatively minor offenses. Women face legal and societal discrimination on a variety of issues, including employment. Same-sex sexual relations can draw harsh criminal penalties under vaguely worded laws, and LGBT+ people are subject to widespread social stigma.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Emirati citizens face few apparent restrictions on movement within the UAE or on their ability to change their place of employment, though societal norms sometimes constrain a woman's ability to work or travel without the consent of her husband, father, or other male guardian.

Under the *kafala* system, migrant workers' legal status is tied to their employers' sponsorship, meaning they can be punished or deported for leaving employment without meeting certain criteria. Stateless residents' freedom of movement is limited by their lack of travel documents; under a government program, many stateless people have received passports from the Comoros that ease travel and other activities but do not confer full citizenship. Qatari nationals were barred from the UAE while diplomatic ties between the countries were cut, though they were allowed to visit the UAE in January 2021.

Pandemic-related movement restrictions varied among the emirates. Relatively strict lockdowns were imposed for part of 2020, but tourism-dependent Dubai opened to international visitors later that year, even as Abu Dhabi maintained tighter travel rules.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The UAE has enacted reforms in recent years to ease procedures for establishing and operating businesses. However, the government and ruling families exercise considerable influence over the economy and are involved in many of the country's major economic and commercial initiatives, limiting the space for genuinely private business activity.

Citizens of the UAE and other GCC states are able to own property, though Qatari citizens' property rights were affected by the UAE's diplomatic rift with Qatar. In 2019,

the emirate of Abu Dhabi allowed foreigners to own freehold property in designated investment zones. Dubai has permitted non-GCC nationals to own property in designated zones since 2001.

Women generally receive smaller inheritances than men under Sharia, and women are excluded from state benefits aimed at supporting home ownership. A law implemented in the emirate of Abu Dhabi in November 2021 allowed non-Muslim residents to benefit from new inheritance rules.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women are generally placed at a distinct disadvantage under laws governing marriage and divorce. Among other disparities, a Muslim woman's male guardian must approve her marriage. Muslim women are forbidden to marry non-Muslims, while Muslim men may marry Christian or Jewish women. Some categories of extramarital sex are criminal offenses, which deters victims from reporting rape. No laws prohibit spousal rape. A measure adopted in 2019 introduced orders of protection and new criminal penalties to address domestic violence, but its wording appeared to allow some forms of control or punishment by male guardians.

In 2020, the government announced changes to Sharia-based laws that decriminalized cohabitation by unmarried couples; eliminated penalties for the possession, purchase, or consumption of alcohol by people age 21 or older; and repealed legal provisions that assigned lighter penalties for "honor crimes" against women. The amendments would also allow couples who married in another country to adhere to that country's divorce and inheritance laws. In November 2021, the emirate of Abu Dhabi announced a new law on divorce, inheritance, and child custody concerns for non-Muslims; among other things, the law allowed for joint-custody arrangements and civil marriage. The emirate also announced a new court to adjudicate matters under the new law.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Foreign workers are often exploited and subjected to harsh working conditions, physical abuse, and withholding of passports with little to no access to legal recourse. A series of ministerial decrees issued in 2015 aimed to give migrant workers more flexibility to terminate employment under certain conditions. Foreign household workers were not covered by those decrees or by labor laws in general, leaving them especially vulnerable. A law adopted in 2017 guaranteed such household workers basic protections and benefits including sick leave and daily rest periods, though they were inferior to those in the national labor law, and household workers would still be unable to leave their employers without a breach of contract.

Large numbers of foreign workers reportedly left or sought to leave the country during 2020 after losing their jobs due to economic dislocation caused by the COVID-19 pandemic and related lockdowns.

A competitive rivalry between Abu Dhabi and Dubai for eye-catching development projects masks deeper sensitivities in relations between these two emirates and the five less affluent emirates in the northeast. Economic disparities also persist among UAE citizens across the seven emirates and between citizens and the noncitizen majority.

United Kingdom

Population: 67,500,000

Capital: London

Freedom Status: Free

Electoral Democracy: Yes

Overview: The United Kingdom (UK)—which includes the constituent countries of England, Scotland, and Wales along with the territory of Northern Ireland—is a stable democracy that regularly holds free elections and is home to a vibrant media sector. While the government enforces robust protections for political rights and civil liberties, recent years have seen concerns about increased government surveillance of residents, as well as rising Islamophobia and anti-immigrant sentiment. In a 2016 referendum, UK voters narrowly voted to leave the European Union (EU), through a process known colloquially as “Brexit,” which will have political and economic reverberations both domestically and across Europe in the coming years.

KEY DEVELOPMENTS IN 2021

- Numerous officials in the governing Conservative Party were involved in high-profile political scandals during the year, including Prime Minister Boris Johnson, who was accused of misusing political donations and holding parties in violation of COVID-19-related lockdown rules, and several members of Parliament (MPs), who allegedly breached lobbying regulations. In December, the Electoral Commission fined the party for failing to properly disclose political donations.
- In March, Parliament introduced a controversial draft law that includes provisions that would broaden the powers of the police and restrict protest and assembly rights in England and Wales. The proposed legislation sparked mass “kill the bill” protests across the country, which continued throughout the year; the bill remained under consideration in Parliament at year’s end.

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

Executive power rests with the prime minister and cabinet, which must have the support of the House of Commons. The leader of the majority party or coalition usually becomes prime minister, and appoints the cabinet. A snap general election was held in December 2019, where a majority Conservative government, led by Prime Minister Boris Johnson, was elected. The monarch, Queen Elizabeth II, holds a ceremonial role as head of state.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The UK has a bicameral Parliament. The more powerful lower chamber, the House of Commons, has 650 members directly elected to serve five-year terms. The 788 members of the unelected House of Lords are appointed by the monarch. The body largely plays an oversight role in reviewing legislation passed by the House of Commons.

A general election was not due until 2022, but Prime Minister Johnson, who led a minority government after winning the premiership in July 2019, secured a new election from

Parliament, held in December 2019. The Conservatives secured an 81-seat majority. The opposition Labour Party won 202 seats, down from 262 in the last Parliament. The Scottish National Party, which campaigned to remain in the EU and advocates for Scottish independence from the UK, remained the third-largest party in the House of Commons.

Elections for some local councils, police commissioners, and mayoralities in parts of England and Wales, which had been postponed due to COVID-19, took place in May 2021. Assembly elections took place in Scotland and Wales on the same day.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The UK's electoral framework is robust and well implemented. An Electoral Commission report on the 2019 General Election noted the presence of "misleading content and presentation techniques" in online campaigning. In September 2020, the Electoral Reform Society (ERS), a nongovernmental organization (NGO), called for the regulation of internet-based campaign and financing activities.

Parliament maintains a direct role in electoral management, notably through its involvement in the seat boundary drawing process. The Parliamentary Constituencies Act 2020, which was enacted in December 2020, will limit its future involvement. In May 2021, the government formally introduced a bill to repeal the Fixed-term Parliaments Act 2011, which limits the prime minister's ability to force a snap election.

Conservative governments have moved towards requiring voters to produce identification in order to vote. The Elections Bill 2021-22 was introduced in July, and if enacted, will require voters to present identification for all elections in England and Wales. In 2019, the ERS noted that 2,000 prospective voters participating in a pilot voter identification scheme were turned away from polling stations in that May's local elections, and that a permanent requirement would disproportionately impact Black, Asian, and minority ethnic (BAME) voters.

In June 2021, the government announced a series of plans that some say would undermine the independence of the Electoral Commission. A former electoral commissioner alleged that the new Elections Bill would subject the commission to political oversight, representing "serious threats to the fairness of all future elections in Britain."

Following the local and mayoral elections in May 2021 the government announced that it plans to change the electoral system for mayoral elections to a "first-past-the-post" system, which critics claim will provide an undue advantage to Conservative candidates in future elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Parties do not face undue restrictions on registration or operation. The Conservative and Labour parties have dominated politics for decades, though other parties regularly win seats.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties operate freely, and have a realistic opportunity to increase their support and gain power through elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from domination by groups using extrapolitical means.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Under the UK's system of devolution, Parliament has granted different degrees of legislative power to the Northern Ireland Assembly, the Welsh Assembly, and the Scottish Parliament, augmenting the political representation of regional populations.

Women, LGBT+ people, and members of racial and ethnic minority groups are active in UK politics. After the December 2019 general election, a record 220 MPs, representing 34 percent of the lower house, are women. LGBT+ and BAME representation also improved.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Freely elected officials can generally make and implement national policy without significant influence from actors who are not democratically accountable.

Elections to the Northern Ireland Assembly took place in March 2017, but legislators did not form a functioning government for a record-breaking 1,045 days after that poll. An agreement, which was facilitated by the UK and Ireland, was finalized in January 2020.

In February 2021, an investigation by *The Guardian* revealed that the Queen had repeatedly invoked an obscure constitutional mechanism referred to as "Queen's consent" to lobby for changes to draft laws that may otherwise have affected her assets.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Large-scale official corruption is not historically pervasive, and anticorruption bodies are generally effective. However, conflict-of-interest and bias concerns over the awarding of COVID-19 tenders to politically connected recipients persisted in 2021. In February, the High Court ruled that former health secretary Matt Hancock acted unlawfully when he failed to publish details of government contracts within the legally mandated timeframe. Hancock also failed to declare his own interest in awarding an NHS contract to a firm owned by members of his family. Prime Minister Johnson was also accused of breaking ministerial code by failing to publish the same contracts, though he was later cleared of wrongdoing. The High Court ruled in June that awarding a state contract to a marketing agency connected to senior government figures was unlawful.

After former prime minister David Cameron was accused of lobbying the current government for economic assistance in March, a Treasury Committee inquiry found that though Cameron did not break any rules, existing lobbying regulations were inadequate. In October, MP Owen Paterson was accused of an "egregious" break of lobbying rules after an investigation revealed that he had financially gained from lobbying activities that directly breached the ministerial code of conduct. Although Paterson ultimately resigned, Parliament voted to reject his suspension and halt the investigation into the matter.

In December, the Electoral Commission fined the Conservative Party £17,800 (\$23,500 US dollars) for improperly reporting a donation that was used to finance the redecoration of the prime minister's official residence. An inquiry into the matter cleared Johnson of breaking ministerial code.

C3. Does the government operate with openness and transparency? 4 / 4

MPs are required to disclose assets and sources of income, and this information is made available to the public. Freedom-of-information legislation is reasonably well implemented, and journalists can generally access information to report to the public. However, in November 2020, NGO OpenDemocracy reported that requests deemed sensitive are vetted by a government office known as a “clearing house.” In June 2021, a judge ruled that the government had displayed a “profound lack of transparency about the operation” of the clearing house and had not been justified in failing to comply with over 100 freedom-of-information requests.

CIVIL LIBERTIES: 54 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16****D1. Are there free and independent media? 4 / 4**

Press freedom is legally protected. The media environment is lively and competitive, espousing viewpoints spanning the political spectrum. The publicly owned British Broadcasting Corporation (BBC), which relies on dedicated license fees for most of its funding, is editorially independent and competitive with its commercial counterparts.

In 2020, the Council of Europe (CoE) criticized the government after the Ministry of Defence blacklisted journalists from online news outlet Declassified UK. The ministry apologized to the CoE later that month, and promised to conduct a review.

A National Action Plan including measures intended to enhance the safety of journalists was published in March 2021. Throughout the year, journalists received death threats and were subjected to harassment from antilockdown activists. Paramilitary groups in Northern Ireland have also issued threats against journalists in recent years; in both 2020 and 2021, Amnesty International condemned the harassment of journalists by such groups, stating that their actions undermine press freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is protected in law and practice. A 2006 law bans incitement to religious hatred, with a maximum penalty of seven years in prison. Nevertheless, minority groups, particularly Muslims, continue to report discrimination, harassment, and occasional assaults. In October 2021, the Home Office recorded 124,091 hate crimes in England and Wales during its 2020–21 reporting period, a 9 percent increase over the 2019–20 reporting period.

Muslims have been reluctant to discuss religious subjects or their identity in some settings, especially in the classroom, due to Prevent, a strategy designed to divert individuals vulnerable to terrorist or extremist recruitment. Educators and human rights groups have criticized the policy for forcing Muslims to self-censor, for fear of being referred to the program. In January 2021, William Shawcross—who was accused of fostering an “institutional bias against Muslims” in his previous role as the head of the UK’s Charity Commission—was appointed to chair an independent review into Prevent. His appointment was controversial, and prompted widespread criticism from rights groups and Muslim community leaders, who expressed concerns that Shawcross will institute policies harmful to Muslims.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally respected, though the government has recently made political forays into the academic curriculum. In October 2020, Women and Equalities Minister Kemi Badenoch commented that teaching critical race theory was partisan and illegal and the Department for Education issued guidance calling anticapitalism an “extreme political stance.”

A new draft law on freedom of speech remained under consideration in Parliament throughout 2021. The bill, which would introduce fines for English universities deemed to have restricted free speech, has been criticized by freedom of expression groups on grounds that it would potentially allow the government to define “acceptable speech” at universities.

The Counter-Terrorism and Security Act 2015 requires schools and universities to help divert students from recruitment into terrorist groups, as part of the government’s long-standing Prevent strategy. Educators are expected to report students suspected of terrorist or extremist sympathies to a local government body, and vet the remarks of visiting speakers, among other obligations. Human rights NGO Liberty criticized the strategy in 2019, saying it stifled open debate and academic inquiry.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Concerns about the effects of mass surveillance on unfettered private discussion have persisted for several years. The Investigatory Powers Act 2016 required communications companies to store customer metadata for 12 months and, in some cases, allowed this information to be accessed by the authorities without a warrant. The government later limited access to metadata for serious criminal investigations with the approval of an independent commission after the High Court ruled the legislation incompatible with EU jurisprudence in 2018.

The government has advocated for the use of automated facial recognition (AFR), which builds “faceprints” of individuals based on recordings taken in public gatherings. In August 2020, the Court of Appeal ruled the South Wales Police’s use of AFR unlawful, but did not preemptively ban its use throughout the UK.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is generally respected, though peaceful protesters have found themselves under police surveillance for attending public events in recent years. Draft legislation that would place new restrictions on protest rights was introduced in Parliament in March 2021. The Police, Crime, Sentencing and Courts Bill includes provisions that would criminalize certain acts of protest, including blocking roads, and would allow authorities to suspend the assembly rights of people convicted of “protest-related” crimes. Widespread protests against the bill took place throughout the year, and in June, a parliamentary committee on human rights warned that the bill may violate protesters’ human rights. The proposal remained under consideration in the House of Lords at year’s end.

Police were accused of using lockdown restrictions to suppress protests in 2021. In March, police forcibly dispersed a public vigil held in memory of Sarah Everard, a woman who was killed by a serving police officer earlier that month; authorities claimed that participants had violated social distancing requirements. Demonstrations against police misconduct and use of excessive force continued throughout the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs generally operate freely. However, in recent years, disclosures of police surveillance of NGOs and political organizations have drawn criticism. A public inquiry into the conduct of undercover officers, which began in 2015, remained in session throughout 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers have the right to organize trade unions, which have traditionally played a central role in the Labour Party. The rights to bargain collectively and strike are also respected.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is generally independent, and governmental authorities comply with judicial decisions. A new Supreme Court began functioning in 2009, improving the separation of powers by moving the highest court out of the House of Lords.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process generally prevails in civil and criminal matters. However, funding for legal aid has been cut several times since 2013, leaving many vulnerable people without access to legal counsel and prompting criticism from rights groups and some figures within the judiciary.

The Coronavirus Act 2020 provided police with new enforcement powers, which have been criticized as disproportionately broad in scope. Many of these powers were phased out in 2021. In July 2020, *The Guardian* reported that the Metropolitan Police had been disproportionately fining BAME London residents for violating COVID-19 measures.

UK police have also been accused of using stop-and-search powers disproportionately: in 2020–21, Black people in England and Wales were seven times more likely to be searched by police than White people. . Data published by the Home Office in November 2021 shows a 24 percent rise in the use of the controversial policing practice during COVID-19-related lockdowns. The government expanded the stop-and-search powers of the police in July, “permanently relaxing” existing restrictions on the practice. In March, the Independent Office of Police Conduct ordered that the City of London Police reinvestigate an allegation of racial profiling made by a man who had been stopped and searched over 20 times without charge.

The Counter-Terrorism and Security Act 2015 allows authorities to seize the travel documents of individuals attempting to leave the country if they are suspected of planning to engage in terrorist-related activities abroad, and to forcibly relocate terrorism suspects within the country. The Counter-Terrorism and Border Security Act 2019 makes viewing terrorist content online punishable by up to 15 years in prison, and allows law enforcement agencies to keep the fingerprints and DNA of terrorism suspects for up to five years, even if no charges are filed.

The UK justice system still grapples with cases stemming from the Troubles, the 1968–98 conflict over the partition of the island of Ireland. In July 2021, the UK government confirmed that it plans to end all prosecutions linked to the Troubles. The same month, charges against “Soldier F,” who had been accused of murder and attempted murder during the 1972 Bloody Sunday massacre, were dismissed by the Public Prosecution Service (PPS). The government has also declined to open an inquiry into the 1989 murder of Belfast lawyer Pat Finucane, who was allegedly killed by a loyalist organization with the assistance of a soldier and a police informant. In December, the Supreme Court ruled that a 2014 Police Service of Northern Ireland (PSNI) decision not to investigate the alleged state-sanctioned torture of 14 men during the Troubles was “wrong” and “irrational.”

The Covert Human Intelligence Sources (Criminal Conduct) Act, which allows undercover police officers to commit crimes to obtain intelligence, was enacted in March. The so-called “Spy Cops” bill has been strongly criticized by civil rights groups, and a parliamentary human rights committee warned it would allow agents to engage in especially violent activity.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Individuals living in the UK are largely free from violence, but acts of terrorism did occur in 2021. In October, David Amess, a Conservative MP, was killed in an alleged terrorist attack. The following month, a bombing outside a Liverpool hospital was declared an act of terror.

Northern Ireland saw continued paramilitary activity throughout the year. In March, the PSNI reported 3 security-related deaths, 13 bombing incidents, and 83 terrorism-related arrests in the 2020-21 reporting period. During the same period, 230 households were rehomed due to intimidation from paramilitary groups.

While prisons generally adhere to international guidelines, problems of overcrowding, violence, self-harm, and drugs in prisons have worsened in recent years. In January 2021, it was reported that the use of force by prison staff against prisoners had doubled since 2011. In a July report, Her Majesty’s Inspectorate of Prisons (HMI Prisons) noted that prisoners had been subjected to extended periods of isolation in order to curb the spread of COVID-19, but such measures were being progressively relaxed. Following a freedom-of-information request from *The Guardian*, the Ministry of Justice revealed in July that over 50 inmates were being held in isolation in “close supervision centers” under conditions that the UN has argued are degrading, inhuman, and illegitimate.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Foreign residents in the UK have been subject to increasing scrutiny in recent years. Under the ongoing “hostile environment” policy, which aims to persuade undocumented immigrants to voluntarily leave the UK or refrain from immigrating, individuals seeking public and private services face stringent immigration checks.

In a February 2021 report, the Institute for Public Policy Research (IPPR) concluded that immigrants faced heightened racist treatment and poverty due to the policy. A proposed amendment to the new draft of the Nationality and Borders Bill, added in November, would allow the Home Secretary to strip individuals of their British citizenship without notice; rights advocates have expressed concern that BAME individuals would be disproportionately affected by the legislation. In 2020, a parliamentary public accounts committee accused the Home Office of formulating biased immigration policies.

Asylum seekers and migrants can be detained indefinitely, and there have been persistent reports of poor conditions and abuse in immigration detention centers. In July 2021, NGO Bail for Immigration Detainees (BID) criticized the Home Office for keeping asylum seekers, some of whom were torture survivors, in isolation for indefinite periods of time. In February, media outlets reported allegations of sexual harassment and exploitation of asylum seekers in government detention facilities. The High Court ruled in June that the Home Office had unlawfully detained asylum seekers in inadequate and unsafe conditions. In July, the government introduced legislation that would “severely restrict” family reunion rights, which provide a path for minor refugees and asylum seekers to join family members living in the UK.

Though women receive equal treatment under the law, gender discrimination persists in the workplace and elsewhere in society. The authorities actively enforce a 2010 law barring discrimination on the basis of sexual orientation and gender identity. However, the UK has recorded a sustained rise in hate crimes against LGBT+ residents over the past decade. The Home Office recorded more than 17,000 hate crimes against LGBT+ people during the 2020–21 reporting period in England and Wales, a 7 percent increase over the 2019–20 reporting period.

BAME residents face continued discrimination, including by the authorities. Stop-and-search powers are disproportionately used against BAME people; the Metropolitan Police initiated over 228,000 such stops in 2021. In 2020–21, Black people in England and Wales were seven times more likely to be stopped by police than white people.

Members of the Irish Traveller minority community have historically faced discrimination in the UK. In March 2021, the Equality and Human Rights Commission (EHRC) reported that Pontins, a vacation resort chain, had instructed its booking operators to refuse bookings to people with Irish accents or surnames, violating antidiscrimination laws.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

While UK residents generally enjoy freedom of internal movement, travel was affected by COVID-19-related lockdowns throughout 2021. Though strict lockdowns were imposed in 2020 and early 2021, most restrictions on movement and assembly had been lifted by mid-July 2021. Some restrictions were reintroduced in November in response to the spread of the Omicron variant.

UK passport holders saw their freedom to travel to EU member states lessened when an agreement on the UK's departure from the bloc was reached in December 2020. Since January 2021, visitors from the UK have required a visa for extended travel to EU member states in the Schengen border area.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals may freely exercise the right to own property and establish private businesses.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

The government generally does not place explicit restrictions on personal social freedoms. Abortion and same-sex marriage were heavily proscribed or prohibited in Northern Ireland until Parliament passed the Northern Ireland (Executive Formation) Act 2019. However, the law has not been fully implemented, and abortion services remained largely unavailable in Northern Ireland during 2021.

The Office for National Statistics (ONS) reports that nearly a third of English and Welsh women between the ages of 16 and 59 have experienced domestic abuse. Domestic violence increased during COVID-19-related lockdowns, with police data showing that two-thirds of women in abusive relationships experienced more violence during the first national lockdown. Fewer than one in 60 cases of rape reported to the police in 2020 resulted in charges being filed.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

A 2016 report by a government commission expressed concern about the social and economic isolation of many members of ethnic and religious minorities, and of the poor. According to the ONS, income inequality rose to 34.6 percent in 2020.

The Modern Slavery Act 2015 increased punishments for human traffickers and provides greater protections for victims, but implementation has been weak. Children and migrant workers are among those most vulnerable to forced labor and sex trafficking. In an April 2021 report, the Modern Slavery and Exploitation helpline reported that a significant increase in cases of sexual and criminal exploitation had occurred during the COVID-19 pandemic.

UK workers have encountered unsafe and exploitative conditions during the COVID-19 pandemic. Allegations of worker exploitation in the Leicester garment industry persisted in 2021.

United States

Population: 332,300,000

Capital: Washington, DC

Freedom Status: Free

Electoral Democracy: Yes

Overview: The United States is a federal republic whose people benefit from a vibrant political system, a strong rule-of-law tradition, robust freedoms of expression and religious belief, and a wide array of other civil liberties. However, in recent years its democratic institutions have suffered erosion, as reflected in rising political polarization and extremism, partisan pressure on the electoral process, bias and dysfunction in the criminal justice system, harmful policies on immigration and asylum seekers, and growing disparities in wealth, economic opportunity, and political influence.

KEY DEVELOPMENTS IN 2021

- The transfer of power from the administration of President Donald Trump to that of President Joseph Biden in January was seriously threatened by a series of anti-democratic actions intended to thwart it. Although Trump's claims of fraud in the November 2020 presidential election had been consistently rejected by electoral officials from both parties and by the courts, he and some of his political allies in the administration, in Congress, and at the state and local levels sought to misuse various authorities and procedural tools to overturn the election results. They also attempted to apply pressure by mobilizing Trump's supporters, and on January 6, the final step in the confirmation of the results by Congress was violently disrupted when a mob marched from a rally outside the White House and broke into the US Capitol building. Congress reconvened hours later and completed its count of the Electoral College ballots, and Biden's inauguration proceeded without incident on January 20. However, Trump's false assertions about large-scale fraud continued to pervade Republican Party discourse throughout the year, leading to intraparty tensions and the threat of political marginalization for Republicans who vocally rejected the claims.
 - A number of state laws on this and other topics sparked controversy during the year. At least 19 states, nearly all controlled by Republicans, passed problematic electoral laws that made voting more difficult, in some cases raising the risk of greater partisan interference in election management, vote counting, and certification. Separately, at least a dozen Republican-led states imposed binding restrictions
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on content related to race or gender in public school or university settings, and a Texas law banning most abortions after six weeks of pregnancy took effect in September. Unlike with similar restrictions in other states, the Supreme Court allowed the Texas law to enter into force while challenges to its unusual citizen-enforcement mechanism proceeded through the lower courts.

- Criminal cases stemming from widely publicized police killings of Black civilians continued to make their way through the courts in 2021. In April, former officer Derek Chauvin was convicted on several counts including second-degree murder for the May 2020 killing of George Floyd in Minnesota, which had galvanized nationwide protests against racial injustice that year. Chauvin was sentenced in June to 22 years and six months in prison.
- The COVID-19 pandemic continued to sweep the country, causing a two-year total of more than 825,000 deaths and 55 million confirmed cases. A significant level of public resistance to vaccination—encouraged by misinformation from some influential political and cultural figures—contributed to persistently high numbers of infections and deaths overall. The Biden administration promoted accurate information and voluntary vaccination throughout the year, but in September it also announced a rule requiring vaccinations for employees at large businesses across the country; a legal challenge of the mandate was pending at year's end.

POLITICAL RIGHTS: 32 / 40**A. ELECTORAL PROCESS: 10 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The president, who serves as both head of state and head of government, is elected for up to two four-year terms. Presidential elections are decided by an Electoral College, with electors apportioned to each state based on the size of its congressional representation. In most cases, all of the electors in a particular state cast their ballots for the candidate who won the statewide popular vote, regardless of the margin. Two states, Maine and Nebraska, have chosen to divide their electoral votes between the candidates based on their popular-vote performance in each congressional district. The Electoral College makes it possible for a candidate to win the presidency while losing the national popular vote, an outcome that took place in the presidential elections of 2000 and 2016.

In the 2020 election, Biden won 306 Electoral College votes, leaving Trump with 232, and Biden defeated Trump by more than seven million votes, or approximately 4.4 percentage points, in the national popular balloting. Turnout was the highest recorded in more than a century, with roughly two-thirds of the eligible population casting a ballot.

The COVID-19 pandemic compelled many states to increase access to early and mail-in voting, partly to help prevent dangerous crowding at polling sites. This led to a series of legal battles, with the Trump campaign and other Republican litigants generally arguing against the changes and claiming that they would open the door to fraud. The balloting itself unfolded with few significant disruptions, though existing obstacles to voting—such as strict voter-identification requirements and inadequate numbers of polling sites—remained a factor, with long lines exacerbated by both the high turnout and pandemic-related shortages of poll workers.

The federal government assisted states in their efforts to safeguard ballots and computer networks against foreign and other illegal interference, while social media companies, which had been criticized for failing to prevent foreign actors from using their platforms to fraudulently influence the political process in the past, made greater efforts to thwart

disinformation campaigns. These measures were deemed successful in many respects: despite some reported attempts by foreign actors to hack voting infrastructure and spread disinformation on social media, there was little evidence that they had a meaningful impact.

Rejecting a vote-tabulation process that was lauded by observers as transparent and professional, Trump refused to concede defeat and demanded a halt to the count in states where the late tally favored Biden. In the weeks after the election, Trump continued to allege fraud and openly pressured election officials, particularly Republicans, in pivotal states to make decisions that would support his claims regardless of the facts and the law. During the counting and certification process, state election workers reported intimidation and death threats. A raft of lawsuits by the Trump campaign and its allies—alleging wide-ranging misconduct, challenging the legality of various electoral rules, and seeking to block states from certifying Biden's victory—were almost universally dismissed by state and federal courts. Evidence of large-scale fraud was nonexistent, but the Trump camp's disinformation, complemented by the reluctance of leading Republicans to explicitly acknowledge Biden as the president-elect, helped to convince many Trump supporters that voter fraud was widespread and Biden was not the rightful winner.

New revelations later emerged regarding last-ditch efforts to overturn the results, including machinations by the outgoing president and allied officials or lawyers to involve the Justice Department and other government agencies in supporting Trump's fraud claims, a memorandum by a Trump lawyer arguing that then vice president Mike Pence had the authority to stop Congress from completing the Electoral College vote count, and related attempts by the Trump campaign and Republican Party activists to put forward illegitimate pro-Trump slates of electors in states that Biden won.

Trump administration officials and allies also encouraged resistance to Biden's victory from voters and citizen groups, coordinating with a range of supporters to disseminate disinformation and promote "Stop the Steal" rallies. This activity peaked on January 6, 2021, when several thousand Trump supporters assembled near the White House for a "Save America" rally. Following incitement by Trump and other speakers, the crowd converged on the US Capitol as the counting of the Electoral College ballots proceeded. Upon encountering an inadequate deployment of police, the group turned violent, using both concealed and improvised weapons to break through barricades, assault police officers, and forcibly enter the Capitol, where scores of intruders searched for lawmakers, vandalized offices, and occupied the Senate chamber as members were evacuated. The group was dispersed after several hours, following the delayed arrival of the National Guard. In all, seven people died in connection with the attack, including a policeman who suffered strokes after clashing with the mob and a rioter who was shot by police near the House chamber. Nearly 140 police officers were injured, as were scores of civilians. By year's end, approximately 700 people had been arrested on a range of charges, though no trials had been completed, and it remained unclear whether charges would eventually extend to Trump or his more prominent allies.

Among Republicans, a divide emerged in the weeks after the election between state officials involved in administering the balloting, who generally defended the fairness of the process and the accuracy of the results, and many members of Congress, who gave credence to Trump's claims and cast doubt on Biden's victory. When Congress reconvened to complete the Electoral College count on the night of January 6–7, just eight senators lodged objections to state results, but 139 of the 211 Republicans in the House of Representatives at the time supported baseless objections to the count in at least one state.

The events of January 6 prompted several institutional responses. The following week, the House voted to impeach Trump on the charge of incitement of insurrection, with 10

Republicans joining all Democrats to approve the measure. The Senate trial concluded in February with Trump's acquittal, as only 57 of the required 67 senators, including seven Republicans, voted to convict. In July, a House select committee was formed to investigate the January 6 attack; Democrats had initially sought to form an independent commission of outside experts, but most Senate Republicans voted to block that effort. The select committee, which only two Republican House members agreed to join, defined its mandate broadly, aiming to clarify both the events of January 6 and the wider efforts to overturn the election results. By year's end, the committee had interviewed scores of witnesses and issued an array of subpoenas for documents and testimony by Trump administration officials and allies. Republican critics derided the investigation as a partisan smear campaign, and Trump instructed his allies to refuse cooperation on the basis of executive privilege, leading to court challenges that remained underway at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Elections for the bicameral Congress are generally free and competitive. The House of Representatives consists of 435 members serving two-year terms. The Senate consists of 100 members—two from each of the 50 states—serving six-year terms, with one-third coming up for election every two years. All national legislators are elected directly by voters in the districts or states that they represent.

The capital district, Puerto Rico, and four overseas US territories are each represented by an elected delegate in the House who can perform most legislative functions but cannot participate in floor votes.

Following the 2020 elections, the Republican Party retained control of 50 Senate seats, a loss of one. After winning two Senate seats in runoff elections in Georgia in January 2021, Democrats held 48 Senate seats, and there were two independent senators who generally vote with the Democrats, giving Democrats control of the chamber via the tie-breaking vote of Vice President Kamala Harris. In the House, the Democratic majority was reduced to 223, while the number of Republicans rose to 212.

Unlike in 2018, when the election in a North Carolina House district was nullified on grounds of fraud committed by the Republican side, there were no serious accusations of result-altering fraud in any race in 2020. Republican lawmakers who supported Trump's objections to the presidential results did not question the validity of the concurrent congressional elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The electoral framework is generally fair, though it is subject to partisan manipulation. The borders of House districts, which must remain roughly equal in population, are redrawn regularly—typically after each decennial census. In the practice known as partisan gerrymandering, House districts, and those for state legislatures, are crafted to maximize the advantage of the party in power in a given state. The redistricting system varies by state, but in most cases it is overseen by elected officials, and observers have expressed alarm at the growing strategic and technical sophistication of partisan efforts to control redistricting processes and redraw maps. Historically, gerrymandering has also been used as a tool of racial disenfranchisement, specifically targeting Black voters, as well as Hispanic and Native American populations. The Voting Rights Act (VRA) of 1965 generally prohibits racially discriminatory voting rules, and racial gerrymandering is subject to reversal by federal courts, but it remains a problem in practice, in large part because partisan gerrymandering

efforts tend to identify Black voters and other members of racial and ethnic minority groups as likely supporters of the Democratic Party.

In 2019 the Supreme Court ruled that the federal judiciary has no authority to prevent politicians from drawing districts to preserve or expand their party's power. However, some state courts have struck down partisan-gerrymandered maps based on their own constitutions, and state-level reforms have begun to address the issue, with a handful of states establishing independent bodies to manage redistricting in recent years. Following the finalization of the 2020 census results and corresponding reapportionment, states began redistricting efforts in 2021, setting the stage for legal disputes over gerrymandered maps ahead of the 2022 midterm elections. Although both major parties continued to engage in partisan gerrymandering, Republicans had greater opportunity to redraw state-level maps because they controlled more state legislatures. Democrats in Congress proposed legislation aimed at ending the practice for House districts.

Some states have adopted strict voter-identification laws. These documentation requirements can disproportionately limit participation by poor, elderly, or racial minority voters; people with disabilities; and university students. Proponents of such laws argue that they prevent voter fraud, despite research showing that fraud is extremely rare. Separately, reductions in the number of polling places in several states in recent years are thought to have suppressed turnout by groups such as low-income hourly workers, who are less able to travel to distant polling locations or wait in long lines. Restrictions on voter identification and access to polling places tend to affect demographic groups that are seen as likely to support Democratic candidates, and they are typically adopted by Republican state lawmakers. Some of these obstacles may have had less effect in 2020, in part because the requirements for voting by mail were eased in most states and localities. At the same time, COVID-19 contributed to shortages of poll workers and changes to polling locations, and long lines remained a problem.

Trump's refusal to acknowledge the legitimacy of his defeat and his promotion of false fraud claims spurred a new wave of state electoral legislation during 2021, with sponsors arguing that the changes were needed to prevent any repetition of the supposed malfeasance in 2020. By December, 19 states—nearly all with Republican-controlled legislatures—had passed 34 new laws that restricted access to voting, with provisions including stricter voter-identification requirements; reduced eligibility for mail-in ballots; and limits on interactions at polling places, such as a ban on offering water to voters waiting in line. Some Republican state legislatures also introduced bills that, according to their opponents, could be used to facilitate the partisan subversion of legitimate electoral outcomes in the future, for instance by concentrating election management authority in the hands of state lawmakers or their appointees rather than local officials, or by empowering partisan poll watchers in ways that could disrupt the ballot-counting process. At the same time, prominent Trump allies encouraged vote-fraud conspiracists to run for local-level posts involved with election administration. Separately, many federal lawmakers, including Democrats and some leading Republicans, emphasized the need to reform the Electoral Count Act, an 1887 law governing congressional validation of the Electoral College votes from the states. The act's ambiguous language was widely criticized for allowing spurious objections to the 2020 results and creating opportunities for a much worse constitutional crisis than ultimately occurred.

Critics have argued that some components of the US constitution are undemocratic because they violate the principle that each citizen's vote should carry equal weight. For example, the allocation of two Senate seats to each state regardless of size has meant that senators representing a minority of the population are often able to control the chamber. Because the Electoral College allocates votes to the states based on the size of their congressional

delegations, it too is affected by the makeup of the Senate. Defenders of these systems argue that they are fundamental to the United States' constitutional tradition and federal structure, in which the states enjoy a substantial degree of autonomy.

The six-member Federal Election Commission (FEC) is tasked with enforcing federal campaign finance laws, but vacancies on the panel meant that it lacked a quorum during nearly the entirety of the 2020 campaign. While a quorum was restored in December 2020, partisan deadlock impeded the commission's work throughout 2021. Also during the year, Democratic lawmakers advanced but were unable to pass an electoral reform package that included a restructuring of the FEC and measures to strengthen enforcement of campaign finance rules.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The intensely competitive US political environment is dominated by two major parties: the Republicans on the right and the left-leaning Democrats. The country's prevailing "first past the post" or majoritarian electoral system discourages the emergence of additional parties, as do a number of specific legal and practical hurdles. The two parties' primary elections allow for a broad array of views and candidates to enter the political system, although those in many states exclude unaffiliated voters from this important stage of the electoral process. The 2020 primaries and general elections featured participation by ideologically diverse candidates across the country; a similar pattern characterized balloting in the set of states and localities that held elections during 2021.

For the many seats at all levels that are regarded as "safely" Democratic or Republican, due to a combination of partisan gerrymandering and geographical sorting, primaries often represent the main battleground for opposing views. Republican incumbents, especially in the House, have faced sharp competition from more right-wing, sometimes Trump-backed challengers in recent voting cycles, and left-wing Democrats—many of them aligned with or endorsed by the Democratic Socialists of America—challenged a number of moderate, party-backed candidates in 2020. In 2021, early primary challenges were announced against the handful of House Republicans who voted for Trump's impeachment in January; these and other Republican officeholders who vocally criticized Trump's election-fraud claims or his role in the events of January 6 also faced threats and intimidation and were marginalized within the party, as illustrated by the May ouster of Representative Liz Cheney from her position in the House Republican leadership.

Independent or third-party candidates have sometimes influenced presidential races or won statewide office, and small parties and ideological factions—such as the Libertarian Party, the Green Party, and the Democratic Socialists of America—have also modestly affected state and local politics in recent years. Several jurisdictions, including Maine and New York City, have adopted ranked-choice voting systems for some posts, which could prove more hospitable to third parties than the majoritarian system, though in practice the results matched those of the traditional plurality system in key races in 2020 and 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Power changes hands regularly at the federal level, and while certain states and localities are seen as strongholds of one party or the other, even they are subject to intraparty competition and interparty power transfers over time. Gubernatorial elections held in November 2021 in Virginia and New Jersey featured a strong shift toward Republicans

relative to the 2020 presidential tally in each state, leading to a victory for the Republican candidate in previously Democrat-led Virginia. The elections left Democrats with 22 state governorships, while Republicans held 28; Republicans maintained control over a majority of state legislatures. In several states, including North Carolina in 2016 and Wisconsin in 2018, outgoing Republican-led legislatures have stripped powers from executive offices that had just been captured by Democrats.

President Trump's efforts to overturn his loss to Biden in 2020 and early 2021 put extreme pressure on the political and electoral systems, eroding the long-standing tradition of respect for official results and highlighting potential structural weaknesses that could be exploited by future candidates. These efforts were ultimately unsuccessful, with Republican officials in the targeted states generally adhering to their legal duties, and transfers of power below the presidential level proceeded without similar contestation. However, some of the legal changes in Republican-controlled states in 2021—and the lack of reform at the federal level during the year—raised concern that transfers of power after the 2022 or 2024 elections could be disrupted.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4 (-1)

Various interest groups have come to play a potent role in the nominating process for president and members of Congress, partly because the expense and length of political campaigns place a premium on candidates' ability to raise large amounts of funds from major donors, especially at the early stages of a race. While there have been a number of attempts to restrict the role of money in political campaigning, most have been thwarted or watered down as a result of political opposition, lobbying by interest groups, and court decisions that equate political donations with free speech.

The 2020 election campaigns were by far the most expensive ever. As with other recent campaigns, much of the spending was routed through various types of "super PACs" (political action committees), nonprofit organizations, and other legal entities that tend to protect donor anonymity and carry few restrictions on the size and source of donations. Small donations made up an important share of candidates' fundraising, but extremely wealthy contributors played an outsized role in overall spending. Expenditures did not always correlate with electoral success: Democratic Senate candidates challenging Republican incumbents in states such as Kentucky, Iowa, Maine, and South Carolina were defeated despite far outspending their opponents.

Concerns about undue influence have also focused on lobbyists and other figures working for foreign governments who associate themselves with political campaigns. A Justice Department probe into foreign interference with the 2016 presidential election uncovered a number of cases of undisclosed consultant work for foreign powers and led to increased enforcement of the Foreign Agents Registration Act (FARA). Proposals to strengthen the law were introduced in Congress in 2021 and remained pending at year's end.

The January 6 attack on Congress underscored a broader rise in violence and intimidation as a tool of political influence in the United States. Numerous known affiliates of right-wing extremist groups participated in the attack, and many Republicans and far-right media figures later sought to recast it as a patriotic protest or a defense of election integrity. The documented participation of military veterans in the violence prompted the Defense Department to order a broad review of measures necessary to minimize extremist behavior among active-duty troops. Meanwhile, reports of threats against elected officials proliferated during the year, continuing a pattern from 2020 and contributing to a related increase in local election administrators who stated that they were considering resigning.

Score Change: The score declined from 3 to 2 due to the January 6 assault on the Capitol, in which Trump supporters violently attempted to prevent Congress's formal confirmation of the presidential election results, as well as a broader increase in threats and intimidation aimed at politicians and election officials across the country.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

A number of important laws are designed to ensure the political rights of members of racial and ethnic minority groups, and the 2020 elections featured increased participation as candidates by women and representatives of such groups. The Congress elected in 2020 included the first openly gay Black House members and record or near-record numbers of Black, Hispanic, Native American, Asian American and Pacific Islander, LGBT+, and women lawmakers. Kamala Harris, whose mother and father were Indian and Jamaican immigrants, respectively, became the first Black American, the first Asian American, and the first woman to win election as vice president. Nevertheless, White Americans and men have remained highly overrepresented in Congress, in state legislatures, and in senior policymaking positions.

Racial and ethnic minority communities are disproportionately affected by laws and policies that create obstacles to voting and winning elected office. In 2013 the Supreme Court invalidated portions of the VRA of 1965, allowing certain states that previously had to submit legal changes for preclearance by federal authorities to adopt election laws without prior review. In the years since, in addition to adopting voter-identification requirements and limiting polling locations, a number of states—including some that were never subject to the preclearance rule—have partially rolled back innovations like early voting that contributed to higher rates of participation among minority groups. In June 2021, the Supreme Court upheld restrictive Arizona rules against a VRA challenge, signaling a further weakening of the VRA as a safeguard against discriminatory state laws. Throughout 2021, Democrats in Congress advanced proposals intended to address both the Supreme Court decisions and the raft of voting restrictions passed in recent years at the state level, but Senate Republicans used procedural tactics to block the legislation. Separately, the Justice Department filed lawsuits challenging the laws passed in some states.

Various other state election-management policies have been criticized for having a disparate impact on racial and ethnic minority communities, including voter-roll purges and arbitrary bureaucratic hurdles to registration. Partisan state-level redistricting processes in 2021 also prompted complaints in North Carolina, Georgia, Ohio, and other states that the power of Black voters and elected officials was being diluted.

State laws that deny voting rights to citizens with felony convictions continue to disproportionately disenfranchise Black Americans, who are incarcerated at significantly higher rates than other populations. All but two states suspend voting rights during incarceration for felonies; a growing number of states have eased restrictions on voting rights after incarceration or during probation and parole, but the issue remains controversial. Overall, researchers estimated that more than five million people remained disenfranchised for the 2020 elections due to felony convictions.

C. FUNCTIONING OF GOVERNMENT: 9 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The president and Congress are generally empowered to determine government policies and craft legislation. However, partisan polarization and obstruction in Congress

has repeatedly delayed appropriations bills in recent years, resulting in a series of partial shutdowns of federal government operations, most recently in 2018–19. While no such shutdowns occurred in 2021, the country narrowly avoided a spending and debt crisis in December when some Senate Republicans agreed to a short-term spending bill and allowed a party-line vote to lift the cap on federal debt.

Congress's ability to serve as a check on potential abuses by the executive was challenged during the Trump administration. After Democrats gained a majority in the House of Representatives in the 2018 elections, the administration frequently clashed with Congress in ways that undermined the legislature's constitutional authority. For example, in 2019 Trump's irregular obstruction of appropriated military aid to Ukraine and his orders to defy congressional subpoenas led to an impeachment process that ultimately failed to remove the president in early 2020. For the remainder of that year, the administration continued its refusal to comply with a host of congressional reporting requirements, information requests, and subpoenas on various oversight matters. Proposed reforms meant to address these problems by strengthening Congress's oversight powers had yet to win passage in 2021.

The Trump administration consistently left large numbers of vacant positions across the higher levels of government departments and agencies, undercutting Congress's authority to confirm such appointees and making it difficult or impossible for the agencies to operate as intended by law. Following the November 2020 elections, executive branch functions and continuity were hindered when the outgoing administration—as part of its groundless contestation of the election results—broke precedent by hampering cooperation with incoming Biden administration officials. Throughout 2021, Republicans in the Senate effectively slowed the confirmation of Biden's executive branch nominees, leaving the pace of appointments slightly ahead of the Trump administration's in its first year but far behind the previous two administrations.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The United States benefits from strong safeguards against official corruption, including a traditionally independent law enforcement system, a free and vigorous press, and an active civil society sector. A variety of regulations and oversight institutions within government are designed to curb conflicts of interest and prevent other situations that could lead to malfeasance.

Beginning in 2017, however, the Trump administration presented a number of challenges to existing norms of government ethics and probity. Anticorruption watchdogs criticized President Trump for shifting management of his real-estate development empire to his children rather than divesting ownership or establishing a stronger structural barrier between himself and his businesses. The president, his staff, and special interest groups of foreign and domestic origin all frequently visited and held events at Trump-branded properties in the United States throughout his term in office, generating publicity and millions of dollars in revenue. The Trump administration also notably undercut conflict-of-interest restrictions for other White House and executive branch appointees. Although the president issued an executive order in 2017 that limited appointees' ability to shift to lobbying work after leaving government, many Trump nominees received waivers, and journalistic and congressional investigations routinely found conflicts of interest and other ethical violations among nominees and appointees.

Whistleblowers faced extreme pressure during the Trump administration. The Central Intelligence Agency official who filed a complaint that touched off the Ukraine-related impeachment inquiry in 2019 was forced into protective surveillance amid threats of violence. Following his February 2020 acquittal in the Senate, President Trump fired or forced

the resignation of several officials who offered inculpatory testimony during the House impeachment process.

In 2021, lawmakers advanced a number of bills meant to address the gaps in ethics rules that were exploited by members of the Trump administration, but these legislative reforms had yet to pass at year's end. The Biden administration issued an executive order in January that strengthened some ethics rules in the executive branch, and watchdog groups described efforts to limit cabinet members' conflicts of interest as effective, though critics continued to highlight ethics questions involving Biden's son Hunter. Separately, the House ethics committee released a report in October that denounced campaign finance practices and stock trades by four members of Congress, and investigations continued through the end of the year.

C3. Does the government operate with openness and transparency? 3 / 4 (+1)

The United States was the first country to adopt a Freedom of Information Act (FOIA) over 50 years ago, and the law is actively used by journalists, civil society groups, researchers, and members of the public. A 2016 reform law was designed to improve government agencies' responsiveness to FOIA requests, and reporters and activists were able to use FOIA filings to obtain important documents on the Trump administration that congressional investigators could not access through normal oversight requests or subpoenas. Nevertheless, government performance on FOIA requests declined during Trump's presidency, and in 2020 the coronavirus-induced transition to remote work by government employees produced a sharp drop in responsiveness to information requests at the federal, state, and local levels, though complaints about delays diminished somewhat in 2021.

Lack of transparency characterized multiple facets of the Trump administration. The president and his aides frequently made statements that were either misleading or untrue, and typically failed to correct the record when such statements were challenged by the press and others. The administration operated with greater opacity than its immediate predecessors, for example by making policy and other decisions without meaningful input from relevant agencies and their career civil servants, and removing information on certain issues—such as climate change—from government websites. It also intruded on technical matters like the decennial census for political reasons, threatening the accuracy of data used for a wide variety of governance purposes. Throughout 2020, Trump and a number of his aides consistently promoted false and misleading information about COVID-19, and political appointees in the administration interfered with the analysis and recommendations of federal public health professionals, seeking to control data collection and official guidance. Such practices were echoed by some likeminded governments at the state and local levels.

After taking office in 2021, the Biden administration sought to combat misinformation and provide accurate public health data, emphasizing the safety and efficacy of COVID-19 vaccines in particular. It also returned to the traditional practice of holding formal daily press briefings, which the Trump administration had often dispensed with in favor of irregular, ad hoc appearances by the president.

The executive branch includes a substantial number of auditing and investigative agencies that are independent of political influence; such bodies are often spurred to action by the investigative work of journalists. In 2020, Trump arbitrarily fired or replaced a series of agency inspectors general who had documented or investigated malfeasance by administration officials. Legislative proposals to reinforce the authority and independence of inspectors general and ensure government transparency more broadly were under consideration in Congress during 2021.

Score Change: The score improved from 2 to 3 because the Biden administration did not repeat its predecessor's promotion of false and misleading information about COVID-19 or attempt to interfere with expert analysis and recommendations on health and other matters, though a number of deficiencies in transparency safeguards that were exposed by the Trump administration had not been remedied at year's end.

CIVIL LIBERTIES: 51 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16 (-1)****D1. Are there free and independent media? 3 / 4**

The United States has a free and diverse press, operating under some of the strongest constitutional protections in the world. The media environment retains a high degree of pluralism, with newspapers, newsmagazines, traditional broadcasters, cable television networks, and news websites competing for readers and audiences. Internet access is widespread and unrestricted. While many larger outlets have prospered, however, independent local sources of news have struggled to keep up with technology-driven changes in news consumption and advertising, contributing to significant ownership consolidation in some sectors, and a number of communities with just one or no local news outlet.

News coverage has also grown more polarized, with certain outlets and their star commentators providing a consistently right- or left-leaning perspective. Although the mainstream media have continued to provide strong and independent coverage of national politics despite increased hostility from political figures in recent years, some outlets' editorial policies effectively shifted to the left as they were drawn into adversarial relationships with the Trump presidency. The highly influential cable network Fox News has been unique, however, in its close alignment with the Republican Party in general and former president Trump in particular; several prominent on-air personalities and executives migrated to government jobs under Trump's administration, and key hosts openly endorsed Republican candidates or participated in campaign rallies. Following the 2020 elections, Fox News joined other networks in calling the presidential race for Biden, prompting Trump to denigrate the outlet and direct his followers to smaller, more extreme alternatives. In 2021, Fox News returned to favorable coverage of Trump, his false claims about the fairness of the 2020 election, and various conspiracy theories about the January 6 riot.

Although the government's rhetorical hostility toward the press declined markedly under the new administration in 2021, the potential for government intrusion on the work of journalists remained a concern. In July, Attorney General Merrick Garland issued new rules barring the Justice Department—with narrow exceptions—from seizing the records of journalists or requiring their testimony in order to identify confidential sources as part of leak investigations. The move came in response to revelations that the department under Trump had secretly sought or obtained the records of journalists from multiple news outlets while investigating leaks. Separately, it was reported in December that, according to the Department of Homeland Security's inspector general, a Customs and Border Protection unit had freely used government databases in previous years to investigate journalists as well as politicians, congressional staff, and others. The unit was under review at year's end.

A growing number of Americans look to social media and other online sources for political news, increasing their exposure to disinformation and propagandistic content of both foreign and domestic origin. The larger platforms have struggled to control false or hateful material without harming freedom of expression or their own business interests, though they have engaged in mass removals of far-right and foreign accounts that are used to spread disinformation. Following the January 6 attack, the perceived risk of further incitement of violence by Trump prompted Twitter to ban his account, and Facebook and YouTube imposed

indefinite suspensions; in July Trump filed a lawsuit against the three companies, alleging violations of his constitutional right to free speech. Facebook came under significant scrutiny in 2021 from members of both political parties, with Republicans alleging censorship of accounts featuring conservative perspectives and Democrats assailing executives over their reported reluctance to vigorously combat conspiracy theories about the 2020 election and the COVID-19 vaccines. The Republican-led states of Florida and Texas adopted laws that aimed to restrict social media platforms' ability to moderate content, though enforcement of both measures was blocked pending judicial review.

While violence against journalists in the United States has been rare in recent decades, media watchdog groups registered widespread press freedom violations—including police violence and arbitrary arrests targeting journalists—in the context of the nationwide protests sparked by the police killing of George Floyd, a Black civilian, in Minnesota in May 2020. According to the US Press Freedom Tracker, a joint project of multiple nongovernmental organizations (NGOs), the number of violations declined sharply in 2021, falling to 59 arrests or detentions of journalists and 142 assaults on journalists, from 123 arrests and 334 assaults recorded during 2020. The latest incidents occurred during political protests, rallies against vaccine mandates, and a variety of other reporting assignments. Despite the decline from 2020, the 2021 figures still represented a sharp uptick compared with the 9 arrests and roughly 40 assaults documented for 2019.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The United States has a long tradition of religious freedom. The constitution protects the free exercise of religion while barring any official endorsement of a religious faith, and there are no direct government subsidies to houses of worship. The debate over the role of religion in public life is ongoing, however, and religious groups often mobilize to influence political discussions on the diverse issues in which they take an interest. The Supreme Court regularly adjudicates difficult cases involving the relationship between religion and the state.

In 2020, multiple state and local governments imposed restrictions on the size of religious gatherings to slow the spread of the coronavirus, prompting legal challenges. The Supreme Court, faced with differing details, issued somewhat conflicting rulings on the subject, but a series of rulings in 2021 confirmed a pattern in which the justices curbed state restrictions on religious assemblies.

Hate crimes based on religion are generally prosecuted vigorously by law enforcement authorities. Federal Bureau of Investigation (FBI) statistics for 2020, released in October 2021, showed a decrease of some 15 percent in such crimes from 2019; incidents involving Jewish targets constituted over 56 percent of the year's religion-based hate crimes. Anti-Muslim crimes were the next most common, and Christian churches with predominantly Black congregations have also experienced attacks in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4 (-1)

The academic sphere has long featured a high level of intellectual freedom. While it remains quite robust by global standards, this liberty has come under pressure from both ends of the political spectrum. University faculty have reported instances of professional repercussions or harassment—including on social media—related to curriculum content, textbooks, or statements that some students strongly disagreed with. As a consequence, some professors have engaged in self-censorship. Students on a number of campuses have

obstructed guest speakers whose views they find objectionable. In the most highly publicized cases, students and nonstudent activists have physically prevented presentations by controversial speakers, especially those known for their views on race, gender, immigration, Middle East politics, and other sensitive issues.

On most university campuses and in some other educational settings, such pressures came largely from the progressive left, but social and political forces on the right have increasingly applied pressure of their own in recent years. The Trump administration in 2020 ordered recipients of federal funds, including universities, to avoid diversity training that includes “divisive concepts” related to racism and sexism, prompting expressions of concern regarding impingements on academic freedom from numerous university administrators. A federal judge blocked implementation of the order, but in 2021 state-level officials initiated a wave of similar legislation pertaining to both universities and public schools. These efforts were especially focused on restricting the teaching of “critical race theory” (CRT), an academic framework for examining a variety of issues including structural racism. According to PEN America, lawmakers in at least a dozen states had adopted “educational gag orders” restricting the forms and substance of classroom race discussions by year’s end, and additional bills were under consideration in numerous other jurisdictions. Moreover, educators and administrators concerned about accreditation, legal liability, and parental anger were reportedly acting preemptively to eliminate or alter courses and remove previously well-regarded texts from school libraries.

These debates took place against the backdrop of a sharp rise in threats and intimidation aimed at school officials, as parents—and in some cases, members of far-right groups—voiced their anger at pandemic-related school closures, mask mandates, and the content of classroom lessons, leading the Justice Department to announce the formation of a task force to protect school personnel in October.

Score Change: The score declined from 4 to 3 due to a multiyear rise in pressure on educators and educational institutions, including the obstruction of on-campus speech that some find objectionable, attempts to dismiss or punish scholars for their views or work, efforts to limit student access to certain books, and a series of government restrictions and citizen threats related to the classroom discussion of race and other controversial topics.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Americans are generally free to engage in private discussion and air their personal views in public settings, including on the internet, though there are a number of threats to this freedom.

Civil libertarians, many lawmakers, and other observers have pointed to the real and potential effects of the collection of communications data and other forms of intelligence-related monitoring on the rights of US residents, despite the adoption of significant reforms since such activities surged following the terrorist attacks of September 11, 2001. Separately, surveillance programs run by federal and local law enforcement agencies have long raised concerns among civil liberties groups, due in part to allegations of a disproportionate focus on religious, racial, and ethnic minority communities. A growing number of law enforcement and other government agencies are monitoring public social media content, with targets including applicants for US visas and participants in protests.

A public debate about law enforcement access to encrypted communication services continues, with some officials warning that their technical inability to break encryption even with a judicial warrant posed a threat to the rule of law, and opponents arguing that

any weakening of encrypted services' security would expose all users to criminal hacking and other ill effects.

Aside from concerns about government surveillance, internet users in the United States have faced problems such as aggressive disinformation efforts, intimidation, and frequently sexualized harassment on social media that may deter them from engaging in online discussion and expressing their views freely.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12 (+1)

E1. Is there freedom of assembly? 4 / 4 (+1)

In general, officials respect the constitutional right to public assembly. Demonstrations on political and other topics are common and typically proceed without incident, though local authorities often place restrictions on the location or duration of large protests. Since 2017, legislative initiatives aiming to criminalize or stiffen penalties for certain forms of protest, or to shield perpetrators of violence against protesters from legal liability, have been proposed in most states. Such legislation was adopted in at least nine states during 2021, including laws in Oklahoma and Iowa that would partially shield drivers from liability for hitting protesters with their vehicles.

In recent years, large protests and aggressive law enforcement responses have been sparked by highly publicized police killings of Black civilians, many of which were recorded on video. In May 2020, outrage over the killing of George Floyd by police in Minneapolis inspired one of the largest waves of protests in US history. Under the banner of the decentralized Black Lives Matter (BLM) movement, marches occurred in hundreds of cities and smaller communities. Estimated participation in May and June of that year ranged from 15 to 26 million people. An overwhelming majority of the protests were peaceful, but in some settings they were accompanied by violence against police and significant damage to public and private property. Aggressive police tactics often contributed to violent episodes, and hundreds of instances of unprovoked or disproportionate police violence were documented on video.

The Trump administration and its political allies frequently denounced the BLM movement and offered unqualified support to police, downplaying the extent of police violence. The president threatened to deploy active-duty military units in cities experiencing unrest, and federal law enforcement agents were accused of applying excessive force in June 2020 in Washington, DC, and using abusive and inflammatory tactics during a series of protests in Portland, Oregon.

Police violence against protesters rarely results in accountability, including in cases of apparent abuse caught on camera during the 2020 protests. Observers that year also noted that police often exercised greater restraint toward anti-BLM counterprotesters and participants in separate demonstrations against COVID-19-related restrictions, many of whom were armed and displayed far-right or White supremacist symbols.

With the exception of the January 6 attack, conditions surrounding mass assemblies were generally more peaceful in 2021. Unlike in 2020, there were few prominent examples of people being killed in confrontations involving armed protesters, counterprotesters, or vigilantes, though repercussions from events in 2020 continued: in November, a teenager who killed two people near an August 2020 protest in Wisconsin was acquitted on all charges after arguing self-defense.

Score Change: The score improved from 3 to 4 because the surge in civilian violence and police abuses that accompanied a subset of the protests against racial injustice in 2020 largely subsided during 2021, though accountability for the previous year's violations reportedly remained lacking.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

US laws and practices give wide freedom to NGOs and activists to pursue their civic or policy agendas, including those that directly oppose government policies. Organizations committed to the protection of civil liberties, immigrants' rights, equality for women and minority groups, and freedom of speech became more active during the Trump administration and remained so in 2021, mounting campaigns and filing lawsuits to block government actions that they considered harmful. A number of privately supported projects have also been established in recent years to address deficiencies in the electoral and criminal justice systems.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Federal law generally guarantees trade unions the right to organize and engage in collective bargaining. The right to strike is also protected, though many public employees are prohibited from striking. Over the years, the strength of organized labor has declined, and just 6.1 percent of the private-sector workforce belonged to unions in 2021. While public-sector unions had a higher rate of membership, with 33.9 percent, they have come under pressure from officials concerned about the cost of compensation and pensions to states and municipalities. The overall unionization rate in 2021 was 10.3 percent, the same as in 2019. The country's labor code and decisions by the National Labor Relations Board (NLRB) during Republican presidencies have been regarded as impediments to organizing efforts, but even Democratic administrations have largely failed to reverse the deterioration. Union organizing is also hampered by resistance from private employers. Among other tactics, many employers categorize workers as contractors or use rules pertaining to franchisees to prevent organizing.

A 2018 Supreme Court decision that government employees cannot be required to contribute to unions that represent them in collective bargaining has led to further losses in union membership, and 27 states have "right-to-work" legislation in place, allowing private-sector workers who benefit from union bargaining to similarly opt out of paying union dues or fees. In March 2021 the House of Representatives passed the Protecting the Right to Organize Act, which would strengthen organizing and bargaining capacity by overriding right-to-work laws and giving more categories of workers the right to unionize, among other changes; the bill remained stalled in the Senate at year's end.

A labor shortage that accompanied the economic recovery from the pandemic in 2021 emboldened workers to make demands in negotiations with employers, leading to a series of highly publicized strikes and increased media coverage of labor disputes, though the total number of strikers remained relatively small.

F. RULE OF LAW: 11 / 16**F1. Is there an independent judiciary? 3 / 4**

The American judiciary is largely independent. The courts regularly demonstrated their autonomy during the Trump presidency by blocking or limiting executive actions, and the Biden administration also faced adverse rulings during 2021.

However, the pattern of judicial appointments in recent years has added to existing concerns about partisan distortion of the appointment and confirmation process. Republican leaders in the Senate had stalled many federal judicial nominations in the final years of Barack Obama's presidency, resulting in an unusually large number of vacancies at the beginning of 2017. The most prominent was a seat on the Supreme Court that the Senate had held open during 2016 by refusing to allow hearings on Obama's nominee. In 2017, the Senate confirmed Trump's nominee for the position, but only after the Republican

leadership changed Senate rules that had required a supermajority to end debate on Supreme Court nominations, meaning the confirmation could proceed with a simple-majority vote. Democrats had enacted a similar rule change for lower court nominations in 2013.

President Trump filled two additional vacancies on the Supreme Court in 2018 and 2020 after deeply contentious Senate hearings and nearly party-line votes. These appointments cemented a conservative Supreme Court majority; many Democrats suggested that the Republicans' pattern of obstructing Democratic nominees and filling the resulting vacancies with their own nominees warranted the introduction of legislation to expand the size of the court and add new justices under a Democratic president, but while President Biden created a commission to study various judicial reform options in 2021, no such changes were adopted during the year.

By the end of 2020, Trump had successfully appointed a record 234 federal judges in all, including 54 appellate court judges. In a break with precedent, a number of his nominees were confirmed by the Senate even after he lost the November election. President Biden made judicial appointments a priority in 2021, and during the year he made more nominations and achieved more confirmations than either Trump or Obama in the first year of their respective terms.

During his time in office, Trump repeatedly used his pardon power in an arbitrary or politicized fashion, bypassing Justice Department processes, overturning the convictions of several individuals whose cases were championed by his political allies, and publicly discussing possible pardons for himself or other individuals in a position to provide evidence against him in various investigations. Between his defeat in the November 2020 election and Biden's inauguration in January 2021, Trump pardoned multiple close associates who had been convicted or charged in connection with investigations into Russian interference in the 2016 election. These were among a larger raft of pardons issued to individuals with personal or political connections to Trump, including five former Republican congressmen convicted of fraud or misusing funds, four former military contractors convicted for their roles in a notorious 2007 massacre of civilians in Iraq, and former adviser Steve Bannon, who was awaiting trial on fraud charges.

In many states, judges are chosen through either partisan or nonpartisan elections, and a rise in campaign fundraising and party involvement in such elections over the last two decades has increased the threat of bias and favoritism in state courts. In addition, executive and legislative officials in an increasing number of states have attempted to increase their control over state courts; according to New York University's Brennan Center for Justice, 14 states passed legislation that narrowed judicial independence in 2021.

F2. Does due process prevail in civil and criminal matters? 3 / 4

The United States has a deeply rooted rule-of-law tradition, and legal and constitutional protections for due process are widely observed. However, the criminal justice system suffers from a number of chronic weaknesses, many of which are tied to racial discrimination and contribute to disparities in outcomes that disadvantage people of color, particularly Black Americans. Media reports and analyses in recent years have drawn new attention to the extensive use of plea bargaining in criminal cases, with prosecutors employing the threat of harsh sentences to avoid trial and effectively reducing the role of the judiciary and juries; deficiencies in the parole system; long-standing funding shortages for public defenders, who represent low-income defendants in criminal cases; racial bias in risk-assessment tools for decisions on pretrial detention; and the practice of imposing court fees or fines for minor offenses as a means of raising local budget revenues, which can lead to jail terms for those who are unable to pay.

These problems and evolving enforcement and sentencing policies have contributed to major increases in incarceration over time. The population of sentenced state and federal prisoners soared from about 200,000 in 1970 to more than 1.6 million in 2009, then gradually decreased to roughly 1.2 million as of mid-2021. The incarceration rate based on such counts rose from around 100 per 100,000 US residents in 1970 to a peak of more than 500 in the late 2000s, then fell to 361 as of mid-2021. There are also hundreds of thousands of pretrial detainees and short-term jail inmates behind bars. Despite gradual declines in the number of Black prisoners, Black and Hispanic inmates continue to account for a majority of the prison population, whereas Black and Hispanic people account for roughly a third of the general US population. Lawmakers, elected state attorneys, researchers, activists, and criminal justice professionals have reached a broad consensus that the current level of incarceration is not needed to preserve public safety. Civil liberties organizations and other groups have also argued that prison sentences are often excessive and that too many people are incarcerated for nonviolent drug offenses.

In 2018, under pressure from a bipartisan coalition advocating for reforms to curb mass incarceration, Congress passed and the president signed a law that eased federal mandatory-minimum sentencing rules, among other modest changes. A majority of states have also passed laws in recent years to reduce sentences for certain crimes, decriminalize minor drug offenses, and combat recidivism; such gradual steps continued in 2021. Some states have restricted the use of cash bail, which can unfairly penalize defendants with fewer resources and enlarge pretrial jail populations. In 2020, voters in Oregon approved a ballot measure to decriminalize possession of all drugs, the first state to take such a step; several others have decriminalized or fully legalized the recreational use of marijuana.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The US homicide rate—at 6.5 per 100,000 inhabitants as of 2020, according to FBI data—remains low by regional and historical standards, and overall crime rates have declined substantially since the 1990s. However, the figures are high when compared with other wealthy democracies, and the homicide rate rose by 30 percent between 2019 and 2020, with even higher spikes in a number of large cities, and continued to rise nationally at a slower pace in 2021.

The increased policy focus on reforming the criminal justice system in recent years has coincided with a series of widely publicized incidents in which police actions led to civilian deaths. Most of these prominent cases involved Black civilians, while Native Americans are reportedly killed by police at a higher rate per capita than any other group. Only a small fraction of police killings lead to criminal charges; when officers have been brought to trial, the cases have typically ended in acquittals or sentences on reduced charges. In many instances, long-standing and rigid labor protections prevent municipal governments and police departments from imposing significant administrative sanctions on allegedly abusive officers. Nevertheless, in April 2021, former officer Derek Chauvin was convicted on several counts including second-degree murder for the May 2020 killing of George Floyd in Minnesota, and in June he was sentenced to 22 years and six months in prison.

Opinion polling suggested that the 2020 protests against police violence and racial injustice were initially successful in shifting White Americans' attitudes and raising their awareness of the problems. The protests also succeeded in drawing media and advocacy attention to many police departments' deep resistance to any reform or accountability mechanisms, and in putting a spotlight on the presence within law enforcement of some officers with direct links to far-right militias and White supremacist groups. A push by

some reform advocates to cut police departments' funding and direct it to other public services faced criticism amid rising crime rates, however, and many such efforts were diluted or reversed in 2021.

Conditions in prisons, jails, and pretrial detention centers are often poor at the state and local levels, and the COVID-19 pandemic spread through facilities across the country, with more than a third of the incarcerated population having tested positive by April 2021. Many jurisdictions and the federal government took steps to ease crowding by releasing to home confinement those suspects and convicted inmates who were deemed less dangerous.

Use of the death penalty has declined significantly in recent years. There were 11 executions carried out by five states and the federal government in 2021—down from 17 in 2020 and a peak of 98 in 1999. The death penalty has been formally abolished by 23 states, with Virginia joining the list in 2021; in another 15 states where it remains on the books, executions have not been carried out for the past five years or more. In July 2020 the federal government resumed executions for the first time since 2003, and 13 federal executions were carried out before the Biden administration imposed a moratorium in June 2021. Factors encouraging the decline of the death penalty include clear racial disparities in its application, with death sentences far more likely in cases involving White murder victims than Black murder victims; a pattern of exonerations of death-row inmates, often based on new DNA testing; states' inability to obtain chemicals used in lethal injections due to objections from producers, as well as legal challenges to the constitutionality of the prevailing methods of lethal injection; and the high costs to state and federal authorities associated with death penalty cases. The US Supreme Court has effectively ruled out the death penalty for crimes other than murder and in cases where the perpetrator is a juvenile or mentally disabled, among other restrictions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

An array of policies and programs are designed to protect the rights of individuals against discrimination based on race, ethnicity, gender, and other categories, including in the workplace. However, women and some minority groups continue to suffer from disparities on various indicators, and a number of recent government policies have infringed on the fundamental rights of refugees, asylum seekers, and immigrants.

Although women constitute almost half of the US workforce and have increased their representation in many professions, the average compensation for female workers is roughly 82 percent of that for male workers, a gap that has remained relatively constant over the past several decades. Meanwhile, the wage gap between White and Black workers has grown in recent decades, meaning Black women, who are affected by both the gender and racial components of wage inequality, made about 69 cents for every dollar earned by White male workers as of 2020. Women are also most often affected by sexual harassment and assault in the workplace. A popular and ongoing social media campaign that began in late 2017, the #MeToo movement, has encouraged victims to speak out about their experiences, leading to accountability for some perpetrators and underscoring the scale of the problem in American society.

In addition to structural inequalities and discrimination in wages and employment, racial and ethnic minority groups face long-running and interrelated disparities in education and housing. De facto school segregation is a persistent problem, and the housing patterns that contribute to it are influenced by factors such as mortgage discrimination, which particularly affects Black and Hispanic homeowners. Black homeownership has fallen steadily from a peak in 2004, despite gains for other groups in recent years. This in turn influences

overall gaps in wealth and social mobility. For example, the median wealth of White families is 12 times the median wealth of Black families. Black people also face discrimination in health care and experience worse outcomes than their White counterparts, and during the COVID-19 pandemic, people of color experienced strikingly higher mortality from the virus. Asian Americans were the victims of a surge in discrimination and hate crimes in 2020 and 2021, attributed in part to President Trump's attempts to focus blame for the pandemic on China, where the initial outbreak occurred.

Although LGBT+ people remain subject to significant discrimination, they have made strides toward legal equality in recent years. In 2020, the Supreme Court ruled that federal civil rights legislation includes LGBT+ people as a class protected from workplace discrimination. In January 2021, the Biden administration lifted a Trump-era ban on transgender people serving in the military, and in June the government announced that a nonbinary gender option would be available on US passports. However, disputes over the rights of transgender people at the state level have resulted in a series of restrictive laws. In October, Texas became the ninth state that year to bar transgender girls from participating in women's scholastic sports.

The Trump administration worked to reduce the number of legal immigrants, refugees, asylum seekers, and undocumented immigrants entering and residing in the country. Many of its moves were hasty, uncoordinated, and underfunded, and they often conflicted with existing laws, constitutional protections, and international human rights standards. While the administration typically cited exaggerated security concerns as justification for its policies, in 2020 the COVID-19 pandemic provided a new rationale and helped the administration achieve large declines in the number of newly arriving immigrants and asylum claimants. Although the Biden administration attempted to reverse some Trump-era policies, court challenges complicated its efforts, and it chose to leave other policies in place.

The Biden administration immediately overturned its predecessor's executive orders that had barred most entries by citizens of a group of Muslim-majority countries on security grounds; the original order had been repeatedly revised amid criticism that the bans were blatantly discriminatory. The new administration also sought to reverse President Trump's sharp and discriminatory reductions in the number of refugees admitted to the United States for resettlement, which had reached its lowest point since the program began in 1980; while the cap was raised to 62,500 people, fewer than 12,000 refugees were actually resettled by the end of the fiscal year in September 2021.

A number of controversial policies enacted by Trump administration that focused on blocking asylum seekers at the southern border were preserved under the Biden administration, and they continued to draw legal challenges on the grounds that they denied asylum seekers basic due process, violated statutory rules on asylum applications, and breached international prohibitions on returning asylum seekers to unsafe countries. Amid an increase in migration from Mexico, Central America, and Haiti, the Biden administration continued to use COVID-19-related public health restrictions to rapidly expel or deport most migrants throughout the year, including thousands of Haitians whose treatment was widely criticized as inhumane. Earlier, in January 2021, the administration ended the Trump administration's "Remain in Mexico" program, which allowed border authorities to force non-Mexican asylum seekers to wait in Mexico while their claims were adjudicated in the United States. Tens of thousands of people had been returned to Mexico under the program, with many living in difficult and dangerous conditions there. In August, however, the Supreme Court upheld a ruling that the program had been improperly rescinded, and it restarted in December.

The Biden administration signaled its commitment to reverse the Trump-era emphasis on maximizing arrests and deportations of undocumented immigrants, regardless of whether

they had committed crimes, and of legal immigrants or refugees who committed crimes in the United States. In 2021, immigration authorities moved back toward the Obama-era policy of focusing deportation efforts on those individuals who pose the greatest threat to public safety. Nevertheless, immigration detentions rose during the administration's first year, and the backlog of cases in immigration courts continued to balloon; as of December 2021 there were some 1.6 million pending cases, with average wait times of more than two years for a case to be heard. Human rights and immigrant advocacy groups criticized the administration for taking inadequate steps to address poor conditions in immigration detention facilities. In September, the Biden administration announced steps intended to strengthen the legal standing of the Deferred Action for Childhood Arrivals (DACA) program, which prevents the deportation of undocumented immigrants who were brought to the United States as children. The program had been the subject of court challenges since it was first implemented in 2012, and the Trump administration had tried unsuccessfully to end it.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no significant undue restrictions on freedom of movement within the United States, and residents are generally free to travel abroad without improper obstacles. A patchwork of temporary movement restrictions were imposed across the country in response to the COVID-19 pandemic in 2020, with states acting independently based on local conditions and strategies, though the rules were loosely enforced and relied mainly on voluntary compliance. The remaining restrictions were mostly lifted as vaccination rates rose in 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Property rights are widely respected in the United States. The legal and political environments are supportive of entrepreneurial activity and business ownership. There were concerns during the Trump administration that political favoritism was distorting markets and government contracts, but these receded after the Biden administration took office. Coronavirus-related business restrictions at the state and local levels, which caused significant disruption and prompted civil disobedience and public protests by some private business owners in 2020, declined as vaccination rates rose and businesses reopened in 2021. In September the Biden administration issued a mandate requiring larger companies to ensure that their employees were either vaccinated or regularly tested, affecting an estimated 84 million workers. A business federation and many states challenged the authority of the federal Occupational Safety and Health Administration to impose such a mandate, and the matter was under judicial review at year's end.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Men and women generally enjoy equal rights in divorce and custody proceedings, and there are no undue restrictions on choice of marriage partner, particularly after a 2015 Supreme Court ruling that all states must allow same-sex marriage. In recent years, a growing number of states have passed laws to eliminate exemptions that allowed marriages of people under age 18 in certain circumstances. Rape and domestic or intimate-partner violence remain serious problems. The applicable laws vary somewhat by state, though spousal rape is a crime nationwide. Numerous government and nongovernmental programs are designed to combat such violence and assist victims.

In the past several years, a series of new state laws have reduced access to abortion without overtly breaching prior Supreme Court decisions on the issue, and some have survived judicial scrutiny, adding to state-by-state variation in access. During 2021 alone, nearly two dozen states passed new abortion restrictions, and the Supreme Court's conservative majority—strengthened by Trump-era appointments—signaled a greater willingness to uphold such legislation. In several rulings starting in September, the court allowed the enforcement, pending a full judicial review, of a new Texas law that banned most abortions after six weeks of pregnancy and empowered citizens rather than the state to file lawsuits against those who perform or “abet” illegal abortions; litigation over this and other restrictive laws continued at year's end.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The “American dream”—the notion of a fair society in which hard work will bring economic and social advancement, regardless of the circumstances of one's birth—is a core part of the country's identity. In recent decades, however, studies have shown a widening inequality in wealth and a narrowing of access to upward mobility. Inequality concerns mounted in 2020 as a recession linked to the COVID-19 pandemic caused a massive spike in unemployment, especially for Black and Hispanic workers. A series of economic stimulus and relief packages, including a spending bill passed by Congress in March 2021, mitigated the damage and successfully reduced overall poverty rates, in part by providing expanded unemployment benefits and other protections against severe income loss.

One key aspect of inequality in the United States is the growing income and wealth gap between Americans with university degrees and those with a high school degree or less; the number of well-compensated jobs for the less-educated has fallen over time as manufacturing and other positions are lost to automation and lower-cost foreign production. These jobs have generally been replaced by less remunerative or less stable employment in the service and retail sectors, where there is a weaker tradition of unionization. The coronavirus-related economic shock amplified that dynamic, disrupting employment and income for lower-earning, less-educated workers far more than for college-educated professionals. In 2021, a lockdown-induced spike in household savings, combined with fiscal and monetary stimulus policies, produced strong demand, greater bargaining power, and higher wages for such workers. However, the same factors, along with persistent supply-chain disruptions caused by the pandemic, also produced high levels of inflation that tempered the effect of wage increases. As of October 2021, the employment-to-population ratio remained below pre-pandemic levels across racial and gender categories.

Although the country has legal safeguards against unsafe working conditions, workers in essential industries such as meat processing faced a high risk of contracting COVID-19, with inadequate protective equipment and hazard pay. Meanwhile, poorer children whose families lacked the resources to adapt to remote learning were most harmed by pandemic-linked school closures, which threatened to exacerbate educational inequality.

The inflation-adjusted national minimum wage has fallen substantially since the 1960s, with the last nominal increase in 2009, though many states and localities have enacted increases since then. An effort to include a federal minimum wage increase in the March 2021 relief legislation failed in the Senate. Other obstacles to gainful employment include inadequate public transportation and the high cost of living in economically dynamic cities and regions. The latter problem, which is exacerbated by exclusionary housing policies in many jurisdictions, has also contributed to an overall rise in homelessness in recent years.

Uruguay

Population: 3,500,000

Capital: Montevideo

Freedom Status: Free

Electoral Democracy: Yes

Overview: Uruguay has a historically strong democratic governance structure and a positive record of upholding political rights and civil liberties while also working toward social inclusion. Although all citizens enjoy legal equality, there are still disparities in treatment and political representation of women, transgender people, Uruguayans of African descent, and the Indigenous population.

KEY DEVELOPMENTS IN 2021

- During the year, organized labor advocates were among the most vocal opponents of the Law of Urgent Consideration (LUC), passed in 2020, which could facilitate the police's use of unnecessary force at protests and strikes. In September, they helped gather signatures to place 135 articles of the LUC before a national referendum for possible repeal in 2022. The signatures were verified by the Electoral Court in December.
- Violence against women remains a serious concern, and cases of femicide increased during the coverage period. For the first ten months of the year, the Ministry of the Interior recorded 31,661 complaints of domestic and associated violence, approximately a 4 percent decrease from the same period the year prior.

POLITICAL RIGHTS: 40 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is directly elected to a five-year term and may hold nonconsecutive terms. The most recent general elections were held in two rounds in 2019. Luis Lacalle Pou—a senator and son of a former president—and Beatriz Argimón of the center-right Partido Nacional captured the presidency and vice presidency by defeating former Montevideo mayor Daniel Martínez of the center-left Frente Amplio and his running mate in a close runoff decided by approximately 37,000 votes. The election took place peacefully and stakeholders accepted the results. Lacalle Pou was inaugurated in March 2020.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral General Assembly consists of the 99-member Chamber of Representatives and the 30-member Senate, with all members directly elected for five-year terms. No single party achieved a majority in the October 2019 elections. The Frente Amplio retained the most representatives but dropped from 50 seats in the Chamber of Representatives to 42, and from 15 to 13 seats in the Senate. Lacalle Pou's Partido Nacional built a predominantly center-right coalition with four other parties—the Partido Colorado, the newly formed Cabildo Abierto, the Partido de la Gente, and the Partido Independiente—that together won 57 seats in the Chamber of Representatives and 17 seats in the Senate. The elections took place peacefully, and stakeholders accepted the results.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Uruguay's Electoral Court serves as the highest authority on elections and supervises the National Electoral Office, which oversees voter registration and has one office in each of the country's regional departments. Electoral laws are generally fair, and the Electoral Court, whose nine members are elected by both houses of Parliament with a two-thirds majority, is generally viewed as impartial. Voting is compulsory.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Uruguay's multiparty system is open and competitive. The major political groupings are the Partido Colorado, the Frente Amplio coalition, and the Partido Nacional (also known as Blanco). Several smaller parties also compete in elections and have gained representation, as well. The Partido Nacional, accompanied by its coalition partners, took power in early 2020.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition parties are competitive. The conservative Cabildo Abierto was founded in 2019 and obtained the most seats in the 2019 elections, outside the three major parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

People's political choices are generally free from undue influence from undemocratic actors.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

The Afro-Uruguayan minority, which accounts for approximately 8 percent of the population, is significantly underrepresented in government. In 2019, voters elected the first Afro-Uruguayan woman as senator. Indigenous groups are also severely underrepresented, although there is a currently a grassroots campaign that aims to gain formal government recognition of the Indigenous Charrúa people.

Representation of women in national, regional, and local government is low; women hold approximately 25 percent of seats in the Chamber of Representatives and 32 percent of seats in the Senate. As of December 2021, Uruguay ranked 93rd out of 189 countries in Women in Parliament list created by the Inter-Parliamentary Union, a global organization of the national parliaments. Two bills to increase women's participation were introduced to, but not passed by Parliament in 2021, the first since a 2014 law was passed mandating 30 percent of representatives be women.

C. FUNCTIONING OF GOVERNMENT: 12 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The head of government and national legislature determine the policies of the government without undue interference.

C2. Are safeguards against official corruption strong and effective? 4 / 4

The level of corruption in Uruguay is low by regional standards. Uruguay was ranked first in Latin America in the 2021 Capacity to Combat Corruption Index released by Americas Quarterly, for its ability to detect, punish, and prevent corruption. However, the country's main anticorruption agency, the Transparency and Public Ethics Board (JUTEP), faces budgetary constraints that many worry could impede its ability to fulfill its mission.

C3. Does the government operate with openness and transparency? 4 / 4

Government institutions have established a robust record of accountability to the electorate. Enforcement of the Transparency Law, which prohibits a range of offenses related to abuse of office, is relatively strong at the national level. However, civil society groups criticized the government in 2020 and 2021 for insufficient transparency in the administration of the COVID-19 Solidarity Fund.

CIVIL LIBERTIES: 57 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16****D1. Are there free and independent media? 4 / 4**

Constitutional guarantees regarding free expression are generally respected. The press is privately owned; the broadcast sector includes both commercial and public outlets. There are numerous daily and weekly newspapers, some of which are connected to political parties. The Center for Archives and Access to Public Information registered concern in 2021 over lawsuits, and threats of lawsuits, against journalists for defamation that has the potential to limit freedom of expression and the free flow of information. Many of these cases were initiated by state officials or legislators.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is legally protected and broadly respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is upheld. Tensions remain, however, for academics who push for information about and inquiries into the crimes committed during the military dictatorship that ended in 1985.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Discussion of personal and political topics is generally open and robust, and there is little fear of government surveillance or retribution. The government's potential use of facial recognition software has some civil society groups worried about exactly how it would be used by the Interior Ministry.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is protected by law, and the government generally respects this right in practice. The broadly worded LUC, passed in 2020, contains provisions that, according to human rights advocates, could pose a threat to the right to peaceful protest and could result in greater police use of force to disperse protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

A wide array of community organizations and national and international human rights groups are active in civic life, and do not face government interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers are free to exercise the right to join unions, bargain collectively, and hold strikes. Unions are well organized and politically powerful. Labor advocates are among the most vocal opponents of the LUC and in September 2021, they helped gather signatures to place 135 articles of the LUC before a national referendum for possible repeal. The signatures were verified by the Electoral Court in December.

F. RULE OF LAW: 14 / 16 (-1)**F1. Is there an independent judiciary? 4 / 4**

Uruguay's judiciary is generally independent.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are generally respected in Uruguay. However, the courts face a significant case backlog, which results in a high rate of pretrial detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4 (-1)

Uruguay is free from large-scale violence and civil conflict. However, warfare between rival gangs in Brazil has at times migrated across the border, most often in the department Rivera, where crime rates increased in 2021.

Prisons are often overcrowded, with poor living conditions. The Interior Minister in September 2021 reported that conditions had deteriorated to the point that they violate human rights standards, and he called for a long-term strategic plan to overhaul the system. In 2021, there were a record number of deaths in prisons.

Criminal violence and insecurity have increased in Uruguay in recent years, although many crimes such as robbery and homicides dropped during the first half of 2021.

Score Change: The scored declined from 4 to 3 because overcrowding and other harsh conditions in the prison system have contributed to a multiyear increase in deaths in custody.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

Afro-Uruguayan people continue to face economic and social inequalities. While a 2013 affirmative action law was enacted to combat persistent inequality, Afro-Uruguayans experience high unemployment rates and were disproportionately affected by the economic hardships caused by the COVID-19 pandemic. The state also still falls well short of its quota goals for jobs for individuals of African descent.

Transgender people have historically been discriminated against in Uruguay. However, in 2018 the executive branch promulgated a law allowing transgender people to change relevant information on their identification documents. The law also allows minors to have gender confirmation hormone therapy without parental or guardian permission; sets aside funds to help ensure that transgender people have access to education and health care; and provides a pension for transgender people who were persecuted by the military dictatorship.

However, violence against transgender people remains widespread and COVID-19 exacerbated issues of inequality, poverty, and violence against them.

Women enjoy equal rights under the law but face discriminatory attitudes and practices, including a persistent wage gap.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement is protected, and individuals are free to change their residence, employment, and institution of higher education without interference.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The right to own property and establish private business is respected.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Violence against women remains a serious concern. While there was a slight drop in cases of femicide in recent years, 2021 saw another increase with more cases of femicide in the country than in the previous years. For the first ten months of 2021, there were 31,661 complaints about domestic and associated violence, according to the Ministry of the Interior, approximately a 4 percent decrease from the same period in 2020. Amid high levels of gender-based violence in the country, organizations advocated for better police training and reporting procedures. Attempts to change protocols, however, also received fierce criticism and continue to be under review. The government also has suggested plans to launch courts that specialize in gender-based violence.

The legislature voted overwhelmingly to legalize same-sex marriage in 2013. Abortion for any reason during the first trimester has been legal since 2012. However, many women, especially in rural areas, face obstacles to receiving abortion services, particularly amid the COVID-19 pandemic.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Individuals generally enjoy equality of opportunity, although certain barriers persist for Afro-descendants, women, transgender, and Indigenous Uruguayans.

According to reports, the government is not doing enough to combat transnational human trafficking, and laws do not prohibit internal trafficking. However, authorities did arrest 12 individuals involved in an alleged trafficking ring originating in Cuba in September 2021.

Uzbekistan

Population: 34,900,000

Capital: Tashkent

Freedom Status: Not Free

Electoral Democracy: No

Overview: While reforms adopted since President Shavkat Mirziyoyev took office in 2016 have led to improvements on some issues, Uzbekistan remains an authoritarian state with

few signs of democratization. No opposition parties operate legally. The legislature and judiciary effectively serve as instruments of the executive branch, which initiates reforms by decree, and the media are still tightly controlled by the authorities. Reports of torture and other ill-treatment persist, although highly publicized cases of abuse have resulted in dismissals and prosecutions for some officials, and small-scale corruption has been meaningfully reduced.

KEY DEVELOPMENTS IN 2021

- Presidential elections held in October had predictable results: Mirziyoyev won reelection with over 80 percent of the vote.
- Uzbekistan officially became a member of the UN Human Rights Council (HRC) in January, after being elected in October 2020. The country's membership prompted mixed reactions, including criticism of existing legislature curtailing religious freedom, overly burdensome registration requirements for nongovernmental organizations (NGOs), and the lack of meaningful support for press freedom.
- After the fall of the government in neighboring Afghanistan in August, President Shavkat Mirziyoyev announced that Uzbekistan would not accept Afghan refugees, but offered the country as a transit hub for humanitarian assistance to Afghanistan.

POLITICAL RIGHTS: 2 / 40

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president, who holds most executive power, is directly elected for up to two five-year terms. Longtime prime minister Shavkat Mirziyoyev was named acting president through an irregular parliamentary process in 2016, after Islam Karimov, who had held the presidency since Uzbekistan's independence from the Soviet Union in 1991, suffered a stroke and died. The constitution called for the Senate chairman to serve as acting president, but the chairman declined the post. Mirziyoyev won a special presidential election at the end of 2016, taking a reported 88.6 percent of the vote and defeating nominal challengers whose parties in some cases openly campaigned for the incumbent.

Mirziyoyev was reelected in the October 2021 presidential elections with 80.1 percent of the vote. Though five candidates participated, the election was not competitive, and candidates avoided challenging or criticizing Mirziyoyev. Only registered parties may nominate candidates, and the parties of two individuals who intended to run were denied registration, preventing any opposition or independent candidates from contesting the election.

The Organization for Security and Co-operation in Europe (OSCE) election observation mission found the 2021 presidential elections to be neither fair nor free, noting a lack of meaningful engagement among candidates and an absence of transparent electoral procedures. OSCE observers also reported significant irregularities during the campaign and on election day, including the registration of voters on election day without employing safeguards; people voting without presenting the required identification documents; people voting on behalf of others; and ballot box stuffing in many polling stations.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Uzbekistan has a bicameral legislature. The lower house is composed of 150 seats, with members directly elected in individual constituencies. The 100-member upper house, or

Senate, includes 84 members who are elected by regional councils and 16 who are appointed by the president. All members of the parliament serve five-year terms.

The December 2019 lower house elections offered voters no meaningful choice, as all participating parties supported the government. The final results that followed January 2020 runoffs in 25 districts closely mirrored those from the previous lower house elections. The president's party, the Liberal Democratic Party of Uzbekistan (O'zLiDeP), maintained the largest share with 53 of 150 seats. Milliy Tiklanish (National Revival) won 36, the Adolat (Justice) Social Democratic Party won 24, and the People's Democratic Party (XDP) won 22. The Ecological Party of Uzbekistan, which directly competed for the first time after previously having its seats automatically allocated, won the same total of 15 delegates that it had been granted in the previous parliament. OSCE election monitors noted numerous irregularities, including procedural violations, the use of multiple ballots by voters, and ballot-box stuffing.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral laws and framework are implemented in ways that offer no opportunities for independent political actors or parties to participate in elections at any level. Election management bodies are closely controlled by the government.

Mirziyoyev has presided over some electoral reforms during his tenure. A 2017 law allowed the election of 11 district councils within Tashkent, in addition to the existing council for the city as a whole; Tashkent has the status of a region, and districts in the country's other regions already had elected councils. Another set of reforms enacted in 2019 ended indirect representation for the Ecological Party, removed voting restrictions on those with past criminal convictions, and allowed voters to add their names to more than one party roll; these lists are required for political parties to participate in elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Only five political parties are registered—O'zLiDeP, the XDP, Adolat, Milliy Tiklanish, and the Ecological Party. They engage in mild criticism of one another and occasionally of government ministers, but all are effectively progovernment. Two opposition parties, the Erk Democratic Party and the Truth and Development Party, operate unofficially, having been repeatedly denied registration.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

No genuine opposition parties operate legally. Unregistered opposition groups function primarily in exile. Domestic supporters or family members of exiled opposition figures have been persecuted, and they are barred from participating in elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Regional alliances of political elites hold the levers of government at all levels, creating economic oligarchies and patronage networks that stifle political competition. There is some intra-elite competition, but without the patronage of the established networks, political and economic advancement is all but impossible.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

No registered party represents the specific interests of ethnic or religious minority groups, and no other parties or actors have the opportunity to achieve political representation. Women formally enjoy equal political rights, but they are unable to organize independently to advance their political interests in practice, and they remain underrepresented in leadership positions.

A component of the electoral reform package enacted in 2019 required 30 percent of legislative candidates to be women. Women now hold 33 percent of the seats in the lower house and 23 percent of the seats in the Senate. One woman, a member of the XDP, ran for president in 2021, taking 6.6 percent of the vote.

C. FUNCTIONING OF GOVERNMENT: 1 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The country's leadership is not freely elected, and the legislature serves as a rubber stamp for the executive branch.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive. Graft and bribery among low- and mid-level officials remain common and are at times conducted overtly and without subterfuge. However, petty corruption among traffic police and officials granting identification documents and registrations has been notably reduced in recent years by pilot programs that introduced video surveillance and traffic cameras.

President Mirziyoyev has overseen an ongoing purge of the notoriously corrupt security and law enforcement services. Analysts contend that the purge is largely meant to neutralize security officials from the Karimov era and shift power to the president's personal security service and the reformed National Guard, both of which are overseen by Mirziyoyev's family members.

In November 2021, Mirziyoyev removed former security services chief Rustam Inoyatov from his cabinet; Inoyatov, at the time one of Uzbekistan's longest serving officials, is widely associated with abuse and corruption within the security services, for which a number of his former subordinates have been prosecuted in recent years.

Media discussion of corrupt practices has cautiously expanded since Karimov's death, but in some cases the journalists and commentators involved have come under pressure. In 2020, the Senate admitted that public health officials in five different regions may have embezzled COVID-19 emergency funds. A few weeks earlier, Miraziz Bazarov, a Tashkent-based blogger, had been summoned for questioning by the security services after he made similar allegations on social media and called on Uzbekistan's international creditors to investigate. Evidence to support Bazarov's claims was later provided to the Asian Development Bank (ADB) by Bankwatch, an international anticorruption organization.

In March 2021, Bazarov was seriously injured in an assault committed by unknown attackers. Following the attack, police charged Bazarov with hooliganism and slander, and placed him under house arrest, where he remained at year's end. Bankwatch has publicly linked Bazarov's anticorruption activism to his current legal charges.

C3. Does the government operate with openness and transparency? 1 / 4

Government operations remain mostly opaque, but one of Mirziyoyev's first acts as president in late 2016 was the creation of new online mechanisms that offered citizens the

opportunity to file complaints, report problems, and request services. The initial program was overwhelmingly popular and was quickly expanded to all ministries and local government offices, requiring local officials to interact with citizens and demonstrate responsiveness. The innovations contributed to a cultural change in governance, though they frequently encountered resistance at the local level.

While the government was considered to have communicated well with the public during the early months of the COVID-19 pandemic in 2020, dubious official statements and statistics during later outbreaks conflicted with direct evidence of a more severe crisis that temporarily overwhelmed the health care system.

CIVIL LIBERTIES: 9 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 1 / 4

Despite constitutional guarantees, press freedom remains severely restricted. The state controls major media outlets and related facilities, and independent outlets were mostly shuttered or blocked under Karimov. However, domestic media, including news websites and live television programs, now cautiously discuss social problems and criticize local officials, reflecting a slight reduction in media repression since Mirziyoyev took power. Some independent news sources have emerged and are not subject to overt censorship, though most outlets still avoid openly criticizing Mirziyoyev and the government.

The presence of independent international outlets is limited; several foreign reporters have been granted press passes since 2017, although other journalists working for outlets like Radio Free Europe/Radio Liberty (RFE/RL) have been denied entry. One of the few international journalists based in the country, Agnieszka Pikulicka-Wilczewska, was effectively deported in November 2021, one day after the newly reelected Mirziyoyev promised to enact further reforms enhancing press freedom; authorities had previously refused to renew her press accreditation, accusing her of violating Uzbek media laws with her coverage of LGBT+ rights in Uzbekistan. Pikulicka-Wilczewska had earlier reported she had faced sexual harassment from the security services and pressure from officials to report positively about Uzbekistan.

Access to news and information via popular social media sites like YouTube and Facebook has become more reliable in recent years, and social media platforms have become lively forums for political discussion. However, in July 2021, the state communications agency, Uzkomnazorat, blocked access to almost all major international platforms, claiming the social networks had violated legal requirements in the processing of Uzbek citizens' personal data. After the restrictions were briefly reimposed in November, Mirziyoyev announced that access to the social media networks would be restored, and fired the head of Uzkomnazorat, claiming that he had illegally and unilaterally imposed the restrictions. Despite public outcry, some restrictions remained in place at year's end.

Journalists continue to face criminal penalties for a variety of possible offenses related to their work. In 2020, the president signed legal amendments that eliminated prison terms for libel and insult, but compulsory labor and other penalties remained in place, and dissemination of false information was added to the criminal and administrative codes. An earlier law adopted the same year had criminalized dissemination of false information related to COVID-19.

Under Mirziyoyev, a number of journalists have been released from prison, and 2018 marked the first year in two decades that no journalists were imprisoned, but the government handed down a jail sentence to a blogger in 2019. According to the Committee to Protect Journalists (CPJ), two journalists were imprisoned in Uzbekistan in 2021. The

state has also continued to occasionally use the Soviet-era practice of forced psychiatric hospitalization against journalists.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The government permits the existence of approved Muslim, Jewish, and Christian denominations, but treats unregistered religious activity as a criminal offense. Suspected members of banned Muslim organizations and their relatives have faced arrest, interrogation, and torture. Arrested believers are frequently accused of founding previously unknown religious organizations, a charge that carries high penalties. In most cases, little evidence of the existence of such organizations is presented at the closed trials. Since Mirziyoyev became president in 2016, government regulations curtailing religious freedom have lessened, though significant restrictions remain in place as of 2021.

In July 2021, Mirziyoyev signed new amendments to the law on religious freedom, relaxing a controversial prohibition on wearing religious clothing in public, including in state and educational institutions, as well as simplifying the registration requirements for religious organizations. However, human rights activists and international monitors have noted that the reforms do not fundamentally change the state's authority to license religious organizations, censor religious literature, and prosecute anyone participating in religious activities or teaching outside state-approved forums.

Despite the changes to the law on religious freedom, in December 2021, following the presidential election, Muslim bloggers and activists published multiple videos taken in state universities showing staff attempting to convince female students not to wear the hijab and telling others they were not allowed to pray in dormitories or on other university property. There were also reports during the year from Tashkent and other regions, both before and after the changes to the law on religious freedom, that police were forcibly shaving some young men who had grown beards. In addition, *mahalla* committees in several provinces were pressuring girls to remove their hijab. The government denied that the events were related to a national policy.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government has long limited academic freedom, in part by controlling contacts between universities or scholars and foreign entities. Universities in Uzbekistan have slowly expanded their cooperation with foreign counterparts since 2016.

Texts that glorify former president Karimov are no longer required reading at universities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The freedoms of personal expression and private discussion have long been limited by *mahalla* committees—traditional neighborhood organizations that the government transformed into an official system for public surveillance and control. The government also engages in extensive surveillance of electronic communications.

Through its various reforms since 2016, the Mirziyoyev administration has signaled a greater tolerance for public criticism, modestly improving the climate for expression of personal views on sensitive topics. However, the 2020 legal amendments that criminalized dissemination of false information, including about COVID-19, indicated ongoing pressure to set limits on public debate.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

Despite constitutional provisions for freedom of assembly, authorities severely restrict this right in practice, breaking up virtually all unsanctioned gatherings and detaining participants.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Unregistered NGOs have faced severe repression and harassment. Though the government claims that many NGOs operate in Uzbekistan, most are state-sponsored organizations; excessive registration requirements prevent independent NGOs from legally operating, and allow authorities to interfere in the work of human rights organizations.

A new organization designed to oversee the activities of registered NGOs, the Center for the Development of Civil Society (CDCS), was formed in 2019. The following year, new legislation governing NGO registration was finalized; however, the draft law, which did not remove existing registration restrictions, had yet to be adopted as of 2021.

In March 2021, Mirziyoyev issued a decree approving the Concept on Development of Civil Society in 2021–2025, a proposal introducing measures that would improve the legal framework for civil society groups and provide for partnerships between NGOs and the government; he also approved a road map for the proposal's implementation.

The government frequently and arbitrarily denies registration requests made by both local and international NGOs that engage in human rights-related work. In September 2021, Human Rights House, a local human rights NGO, filed a lawsuit against the Ministry of Justice after being denied official registration eight times since 2019.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

The Federation of Trade Unions is controlled by the state, and no genuinely independent union structures exist. Organized strikes are extremely rare.

F. RULE OF LAW: 1 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary remains subservient to the president. In 2017, however, a number of judicial reforms were enacted through constitutional and legislative amendments, establishing specific terms in office for judges and creating a Supreme Judicial Council (OSK) to oversee appointments and disciplinary action, among other changes. The council, whose chairperson is approved by the Senate on the president's recommendation, replaced a commission that was directly subordinate to the president.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process guarantees are extremely weak. Law enforcement authorities have routinely justified the arrest of suspected religious extremists or political opponents by planting contraband, filing dubious charges of financial wrongdoing, or inventing witness testimony. The Lawyers' Chamber, a regulatory body with compulsory membership, serves as a vehicle for state control over the legal profession. The judicial reforms adopted in 2017 gave judges rather than prosecutors the authority to approve certain investigative steps, such as exhumations and some forms of surveillance. In 2020, a presidential decree introduced an option for defendants to enter plea bargains for a range of offenses and included provisions to improve detainees' access to lawyers.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

A 2016 law on police prohibits torture, and a 2017 presidential decree that bars courts from using evidence obtained through torture took effect in 2018. In both 2020 and 2021, Mirziyoyev issued additional decrees introducing mechanisms to eliminate the use of torture against detainees. Despite the reforms, credible reports of physical abuse against detainees continued to appear in the media throughout 2021.

In June 2020, the family of Andijon businessman Alijon Abdukarimov, who had been detained the previous month by police investigating a theft, published videos on social media showing him in an intensive care unit as a result of severe torture during interrogation. Abdukarimov died from his injuries days later, sparking widespread public outrage. The prosecutor general's office brought charges against the officers implicated in the case, and six officers received sentences ranging from one to 10 years in prison. The prosecutor general's office publicized data on torture investigations for the first time in June 2020, admitting that of 757 cases investigated in three years, only 33 had led to prosecution. It promised additional reforms and a state commission to prevent police torture. The human rights ombudsman acknowledged the same month that torture remained a serious problem, and the Interior Ministry announced that video cameras would be installed in police interrogation facilities across the country.

Prisons suffer from severe overcrowding and shortages of food and medicine. As with detained suspects, prison inmates—particularly those sentenced for their religious beliefs—are often subjected to torture and other ill-treatment.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Although racial and ethnic discrimination are prohibited by law, the belief that senior positions in government and business are reserved for ethnic Uzbeks is widespread. Women's educational and professional prospects are limited by discriminatory cultural and religious norms. Women are also barred from certain jobs under the labor code.

Sex between men is punishable with up to three years in prison. The law does not protect LGBT+ people from discrimination, and social taboos deter the discussion of LGBT+ issues.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Permission is required to move to a new city, and bribes are commonly paid to obtain the necessary documents. Bribes are also frequently required to gain entrance to and advance in exclusive universities. The government took steps to ease travel within the country and to neighboring states beginning in 2017, when it removed police checkpoints at internal borders, resumed direct flights to Tajikistan, and opened border crossings as part of an agreement with Kyrgyzstan. The Mirziyoyev administration abolished exit visas in 2019, ending a system that was used to proscribe travel beyond other member states of the Commonwealth of Independent States.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Widespread corruption and extensive state control over the economy limit private business opportunities and make property rights tenuous in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

While the law generally grants men and women equal rights in matters such as marriage and divorce, women often face de facto disadvantages. Extralegal child marriage is reportedly practiced in some areas. Victims of domestic violence are discouraged from pressing charges against perpetrators, who rarely face prosecution. Rape is also seldom reported or prosecuted, and spousal rape is not explicitly criminalized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Economic exploitation remains a serious domestic problem, as does the trafficking of men and women abroad for forced labor and sex work. A 2009 law imposed stronger penalties for child labor, and in 2012 Mirziyoyev, then the prime minister, pledged to end the practice completely. In 2017, the president issued a decree to formally ban forced agricultural labor by students, health workers, and teachers. During the subsequent cotton harvests, the government increased incentives for voluntary labor and granted access to international observers. In 2018, the International Labor Organization (ILO) noted that 93 percent of cotton workers were voluntarily employed for that year's harvest, while child labor was not an issue.

In 2020, President Mirziyoyev signed a decree to fully end the state quota system for cotton that had motivated local officials to require forced labor. Despite these improvements, some evidence of forced labor has continued to be reported in recent years, and prosecutions of suspected traffickers remain rare.

Vanuatu

Population: 300,000

Capital: Port Vila

Freedom Status: Free

Electoral Democracy: Yes

Overview: Vanuatu conducts democratic elections but suffers from a pattern of unstable coalition governments. Although political corruption is a major problem, the largely independent judiciary has been able to hold elected officials accountable in high-profile cases. Other persistent problems include domestic violence and societal discrimination against women.

KEY DEVELOPMENTS IN 2021

- In June, Prime Minister Bob Loughman and 18 other members of Parliament (MPs) boycotted parliamentary proceedings for three consecutive days. Parliament Speaker Gracia Shadrack ruled that they had vacated their seats, effectively resigning, and the Supreme Court initially upheld Shadrack's decision.
 - In July, the MPs appealed, challenging Shadrack's right to make such a decision, but were rejected by the Court of Appeal. However, the court allowed a further trial regarding whether the MPs had indeed vacated their seats; the Supreme Court ruled in favor of the MPs in September. In November, Parliament voted to suspend Shadrack for two years, which Shadrack planned to challenge in court.
 - In August, President Tallis pardoned three former prime ministers: Charlot Salwai, Joe Natuman, and Serge Vohor. All three had been convicted of various
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forms of official misconduct, including corruption, and became eligible to contest elections again.

POLITICAL RIGHTS: 33 / 40**A. ELECTORAL PROCESS: 10 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The prime minister, who holds most executive authority and appoints their own cabinet, is chosen by Parliament from among its members. Prime ministerial elections and votes of no confidence often feature improprieties, as rival coalitions seek to entice members to shift allegiances with offers of cash or ministerial portfolios. Bob Loughman became prime minister in April 2020, after the March general elections, winning 31 of the 52 votes in Parliament.

The largely ceremonial president is elected to serve a five-year term by an electoral college consisting of Parliament and the heads of the country's provincial councils. A two-thirds majority is required, and multiple rounds of voting can be held to reach this threshold. In 2017, Presbyterian pastor Tallis Obed Moses was elected president after Baldwin Lonsdale died in office.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 52-seat unicameral Parliament is directly elected for four-year terms in 18 constituencies ranging from one to seven members in size. In the March 2020 elections, Graon Mo Jastis Pati won nine seats, the Union of Moderate Parties and Leaders Party of Vanuatu both won five seats, and the National United Party won four. In total, 18 different parties and individuals were seated in Parliament, including Vanua'aku Pati, which formed a coalition government with the Union of Moderate Parties, the National United Party, the Nagriamel political movement, and the Green Confederation Party. Bob Loughman of Vanua'aku Pati was elected prime minister in April. The COVID-19 pandemic, as well as an extreme weather event, significantly impacted voter turnout, which was around 51 percent.

In June 2021, Prime Minister Loughman and 18 other government MPs boycotted parliamentary proceedings for three consecutive days. Parliament Speaker Shadrack ruled that they had vacated their seats, effectively resigning, and the Supreme Court initially upheld Shadrack's decision. The MPs' appeal challenging the Speaker's right to make such a decision was rejected by the Court of Appeal in July. However, the court allowed a further trial regarding whether the MPs had indeed vacated their seats; the Supreme Court ruled in favor of the MPs in September. In November, Parliament voted to suspend Shadrack for two years, which Shadrack planned to challenge in court.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The electoral framework is generally fair, and elections are administered without bias, but international observers have noted problems including an inaccurate voter roll and understaffing of election management bodies. Moreover, the use of the single-nontransferable-vote system, particularly in larger multimember constituencies, is believed to weaken political parties and encourage fragmentation. It is especially problematic during by-elections when voters may be filling only one vacant seat in a multiseat district.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Numerous political parties operate without restrictions in Vanuatu. Politicians frequently switch allegiances. In mid-2018, the government withdrew proposed constitutional reforms that were meant in part to address party switching and political instability, having failed to reach consensus with the parliamentary opposition. Plans to put these reform proposals to a referendum were abandoned in 2019.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The country has a record of frequent democratic transfers of power between rival parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

There are no major undue constraints on the choices of voters or candidates from outside the political system. Traditional chiefs—represented by the National Council of Chiefs, a consultative body for customary and language matters—exert some influence, but they do not control electoral decisions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic minorities enjoy equal political rights. Political groupings have historically been divided in part along linguistic lines, with an Anglophone majority and a Francophone minority.

Women's political participation is impaired by systemic biases, and they are severely underrepresented in elected offices. No women were elected to Parliament in 2020. Only 18 women contested seats in the elections. Some seats are reserved for women at the municipal level, and women's rights groups have also lobbied for a national-level quota.

C. FUNCTIONING OF GOVERNMENT: 8 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

The elected prime minister and cabinet determine and implement government policies without improper interference, and the legislature serves as a check on executive power. However, party fragmentation and frequent no-confidence votes have long disrupted governance. Charlot Salwai's government was the first since 1995 to complete a full four-year term (2016–20).

C2. Are safeguards against official corruption strong and effective? 2 / 4

Abuse of office and corruption are serious problems, though prosecutors, the ombudsman, and other independent institutions are occasionally effective in combating them. In August 2021, President Tallis pardoned three former prime ministers: Charlot Salwai, Joe Natuman, and Serge Vohor. Salwai had been convicted of perjury in 2020 for making a false sworn statement to mislead the court. Natuman had been convicted in 2018 of interfering with a police inquiry when he was prime minister in 2014. Along with 13 other MPs, Vohor had served 18 months in prison on bribery and corruption charges from 2015. All three

became eligible to contest elections again. Another former prime minister, Moana Carcasses, who was the central figure in the 2015 bribery scandal, was not pardoned.

C3. Does the government operate with openness and transparency? 3 / 4

The government largely operates with transparency. Parliament sessions are streamed live on the internet, and elected officials are required to submit financial disclosure reports that can be investigated by the ombudsman's office, but the documents are not made public.

CIVIL LIBERTIES: 49 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 2 / 4

The government generally respects freedom of the press, though elected officials have sometimes been accused of threatening journalists for critical reporting. Publicly and privately owned newspapers publish in English and French. There are a small number of private broadcasters, but the state-owned broadcaster has a dominant position in the sector. Foreign news services are also available, and about a quarter of the population has access to the internet.

In 2019, the government rejected a work-permit renewal request from Canadian journalist Dan McGarry, publisher of the *Daily Post* newspaper, and barred him from returning to the country. McGarry claimed that the government retaliated against the newspaper's coverage of Chinese influence in Vanuatu, which the government denied; the Supreme Court revoked the travel ban in December of that year, allowing McGarry to return to Vanuatu. His work permit had still not been renewed by the end of 2021.

The Bill for the Statute Law (Miscellaneous Provisions) Act No. of 2021, passed in April, provides criminal penalties of up to three years' imprisonment for threatening language, libel, and slander. The Melanesia cochair of the Pacific Freedom Forum Robert Iroga expressed concern that the amendment could be used to restrict media freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution's preamble states that the republic is founded on "Christian principles," but there is no official religion, and adherents of other faiths can worship freely. Authorities do not enforce a legal registration requirement for religious groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no constraints on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

The government does not monitor personal communications, and individuals are able to discuss politics and other matters without interference.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The law provides for freedom of assembly, and the government typically upholds this right in practice. Public demonstrations generally proceed without incident.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

There are no significant constraints on the formation and operations of nongovernmental organizations (NGOs), which are not required to register with authorities.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers can join unions, bargain collectively, and strike. The right to strike is somewhat impaired by notification rules and the government's ability to bar such actions in essential services; violations can draw criminal penalties. The umbrella Vanuatu Council of Trade Unions (VCTU) is an affiliate of the International Trade Union Confederation (ITUC). Union leaders have raised concerns about antiunion pressure on seasonal workers who travel to New Zealand, including from recruiting agents within Vanuatu.

F. RULE OF LAW: 13 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is largely independent, but a lack of resources hinders the hiring and retention of qualified judges and prosecutors. The president appoints the chief justice after consulting with the prime minister and the opposition leader. Other judges are appointed by the president on the advice of the Judicial Service Commission (JSC); judges cannot be removed arbitrarily. Tribal chiefs and island courts empowered to hear customary law cases adjudicate local disputes. Vanuatu's courts have demonstrated impartiality in recent years through their adjudication of cases involving senior political figures.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are guaranteed by law. However, police do not always uphold legal safeguards against arbitrary arrest and detention. Long periods of pretrial detention are not uncommon, largely due to case backlogs in the courts. However, Vanuatu's pretrial population is relatively low for the region.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The police paramilitary unit, the Vanuatu Mobile Force (VMF), has a reputation for heavy-handed treatment of citizens. Civilian authorities have not been effective in punishing and preventing cases of police brutality. Joe Natuman's 2018 conviction stemmed from interference with an investigation regarding high-ranking officers charged with mutiny. In his defense, Natuman claimed he was seeking to bring unity to the troubled police force.

Prisons have suffered from overcrowding, violence, poor living conditions, and lax management that contributes to frequent escapes.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women are guaranteed legal equality, but in practice they continue to face societal discrimination that affects their access to employment and economic opportunity. LGBT+ people are not protected by antidiscrimination laws.

The rapid expansion of Chinese-owned businesses has sometimes fueled resentment toward Chinese residents. Certain occupations are reserved for ni-Vanuatu as part of a policy to boost employment for the native population.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

The constitution protects freedom of movement, which is also respected in practice. In March 2020, President Obed Moses declared a state of emergency to respond to the COVID-19 pandemic, which included travel restrictions and other public health measures to prevent the spread of the virus. This was extended through December 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The legal framework is generally supportive of property rights and private business activity. However, irregularities surrounding land deals, and corruption in the Lands Ministry, are persistent problems.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence is widespread. Social stigma and fear of reprisal inhibits reporting, particularly in more remote rural areas, and police and courts rarely intervene or impose strong penalties. Government and civil society efforts to combat the problem are inadequately funded. Spousal rape is not specifically criminalized. Women pursuing civil cases related to personal status matters face difficulties paying the required court fees. Only fathers can automatically pass citizenship to their children at birth.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Poverty is extensive, and more than three-quarters of the population rely on subsistence agriculture. The government does not properly enforce health and safety standards, leaving employees in construction, logging, and other industries exposed to hazardous working conditions. Children often perform agricultural work at the family level, and laws on child labor do not meet international standards.

Venezuela

Population: 29,100,000

Capital: Caracas

Freedom Status: Not Free

Electoral Democracy: No

Overview: Venezuela's democratic institutions have deteriorated since 1999, but conditions have grown sharply worse in recent years due to harsher crackdowns on the opposition and the ruling party relying on widely condemned elections to control all government branches. The authorities have closed off virtually all channels for political dissent, restricting civil liberties and prosecuting perceived opponents without regard for due process. The country's severe humanitarian crisis has left millions struggling to meet basic needs, and driven mass emigration.

KEY DEVELOPMENTS IN 2021

- The ruling United Socialist Party of Venezuela (PSUV) and allied parties won a majority of gubernatorial and mayoral positions in November elections, despite opposition groups winning a majority of votes nationwide. While election monitors
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said the polls were better run than in the past, they were marred by the misuse of state resources, bans on candidates, and low turnout.

- In March, Caracas launched a military campaign against the 10th Front, a Revolutionary Armed Forces of Colombia (FARC) splinter group active in Venezuela. During the campaign, security forces engaged in arbitrary arrests, torture, and extralegal executions of civilians. The campaign subsided in late May with the military's effective retreat.
- Security forces engaged in protracted fighting with a criminal gang in Caracas over several days in July, with the government reporting the deaths of 22 criminals and 4 police officers. Residents in the affected area were trapped in their homes during the fighting.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president serves six-year terms and is not subject to term limits. In January 2019, incumbent Nicolás Maduro Moros was sworn in for a new term after winning the 2018 snap presidential election. The poll saw a record-low turnout of 46 percent and by most international accounts lacked even a veneer of competitiveness. That month, the democratically elected National Assembly declared its head, Juan Guaidó, interim president as a constitutional response.

The ruling PSUV attempted to undercut Guaidó's legitimacy by engineering the election of Luis Parra as National Assembly president in January 2020, with military forces barring opposition members from entering the chamber to participate in the vote. The Constitutional Chamber of the Maduro-aligned Supreme Tribunal of Justice (TSJ) ratified Parra's election that May. Over 50 countries initially recognized Guaidó as interim president, though some critics subsequently questioned Guaidó's ability to challenge *chavismo*. Maduro was initially recognized by fewer than 20 countries, generally historical allies and governments with an economic or other interest in the country—most prominently Russia, China, and Cuba.

The old opposition-controlled legislature, which attempted to keep control of the legislative branch by voting to extend its term in December 2020, reaffirmed Guaidó as interim president that month. International recognition of Guaidó has waned during 2021, however, with European Union (EU) member states rescinding their recognition in January.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The unicameral National Assembly is popularly elected for five-year terms, using a mix of majoritarian and proportional-representation voting. Three seats are reserved for Indigenous representatives. Ahead of the December 2020 elections, electoral authorities announced that the new National Assembly would have 277 seats, up from 167.

The major opposition parties refused to participate in the vote for the 2021–26 National Assembly term, saying they had no reason to believe the Maduro regime would oversee a fair election and pointing to the installation of election commissioners without opposition input. The PSUV and its allies won 91 percent of seats, though most of the world's democracies, including the United States, rejected the results as illegitimate. In late December, the outgoing, opposition-controlled National Assembly voted to extend its term into 2021.

Also in December, Maduro announced that the National Constituent Assembly (CNA)—a body established in 2017 to supplant the National Assembly and filled with regime loyalists elected in a nondemocratic process—would be shuttered.

Regional and local elections were held in November 2021. The government and opposition groups held negotiations in Mexico beginning in August, which were meant in part to address the coming poll. Negotiators reached preliminary agreements on some agenda items in September. In October, the government suspended talks in response to the extradition of Álex Saab Morán, a Colombian businessman affiliated with Caracas, from Cabo Verde to the United States. Progovernment candidates won 20 out of 23 governorships and 212 out of 335 mayoralties. Several opposition coalitions contested the elections and won a majority of votes nationwide, but splits within the opposition impeded their overall performance. An EU election observation mission (EOM) reported that turnout stood at 42.5 percent, the lowest in 25 years.

The EOM called the elections relatively well conducted compared to previous polls but noted the use of state resources to support progovernment candidates. The elections were also marred by judicial interference: In late November, the TSJ ordered the National Electoral Council (CNE) to hold a new election in Barinas State after the Voluntad Popular (Popular Will) candidate appeared to lead that state's gubernatorial contest. That contest will be held a second time in 2022. EU observers were compelled to leave Venezuela in early December, after the authorities declined to renew their visas.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral system is heavily influenced by political manipulation and pro-PSUV institutional interference. While the opposition had no influence over the slate of CNE commissioners selected ahead of the 2020 legislative elections, the slate announced in May 2021 did include opposition members, though its progovernment slant remained.

Recent polls, including the 2018 presidential election and the 2020 legislative elections, have been characterized by disqualifications of prominent opposition candidates, government abuse of public resources, uneven access to the state-dominated media, the diminished presence of international observers, and intimidation of state employees. The November 2021 local and regional elections were similarly marred by the misuse of resources and bans on candidates.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

While opposition coalitions and parties exist, the ruling PSUV uses state resources as well security forces and the judiciary to disrupt them. In 2020, the TSJ suspended the leaders of two prominent opposition parties—Acción Democrática (Democratic Action) and Voluntad Popular—replacing them with figures who were previously suspended from those parties for supporting Parra's engineered election to the National Assembly. The deposed leaders remained out of their posts as of the November 2021 local and regional elections. The Mesa de la Unidad Democrática (Democratic Unity Roundtable) ticket was banned in 2018, though the CNE reinstated it in June 2021, allowing it to contest the November elections.

Opposition leaders have long been harassed, attacked, imprisoned, and otherwise impeded from participating in political processes or leading political parties in peaceful activities. Prominent members of the Guaidó-led Voluntad Popular were targeted by authorities

in July 2021. Fabiana Rosales Guerrero, Guaidó's wife, claimed that members of the Special Action Forces (FAES) attempted to arrest Guaidó at their home but were stopped by neighbors. Guaidó ally Freddy Guevara was arrested on terrorism and treason charges in July but was released in August. Former Chacao mayor Emilio Graterón Colmenares sought refuge in a Chilean diplomatic office in Caracas in July.

Family members were also targeted by authorities during 2021. In June, Guaidó claimed that security officers harassed Rosales when she traveled to a medical appointment.

According to nongovernmental organization (NGO) Foro Penal (Criminal Forum), there were 244 political prisoners in Venezuela as of December 2021. Foro Penal also counted another 9,422 people facing potential proceedings.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

While discontent with the Maduro regime remains widespread, the government has cut off virtually all avenues for political change. The opposition has boycotted recent national elections after claiming that international criteria of competitiveness could not be met, though opposition groups did contest the November 2021 local and regional elections.

Prominent opposition figures like Leopoldo López—who fled to Spain in 2020—and former Miranda state governor Henrique Capriles Radonski have been banned from holding public office, though President Maduro called on Capriles to participate in the November 2021 elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The Maduro regime relies on the military, paramilitary forces, and opaque support from foreign states to retain political power. Military leaders have taken control of numerous offices, and Maduro has continued to strengthen the Bolivarian Militia, a civilian militia group established by late president Hugo Chávez Frías in 2008 to support the military; Maduro claimed the militia had over 4.5 million members in April 2021.

Separately, irregular, state-affiliated armed groups known as *colectivos* routinely commit acts of violence against civilians, particularly at antigovernment protests, and carry out government-backed voter intimidation efforts. The Office of the UN High Commissioner for Human Rights (OHCHR) attributed deaths that occurred during protests in 2019 to *colectivos*.

The Maduro regime has become increasingly dependent on economic, medical, military, and other assistance from foreign allies to maintain power, particularly from Russia, Cuba, Turkey, and Iran. Russian military personnel reportedly supported Caracas's campaign against the 10th Front on the Venezuela-Colombia border beginning in March 2021. In September, Caracas reached a deal with the Iranian government to swap oil products.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The PSUV's political dominance leaves little opportunity for ethnic, minority, and other groups to advocate for their interests.

Indigenous people in Venezuela are poorly represented in politics, and members of these groups struggle to bring government attention to issues of importance, including economic inequality and destructive incursions on ancestral lands. Indigenous people were further marginalized in 2020 through changes to the National Assembly: While the total number of legislators was significantly increased from 167 to 277, the number of seats

reserved for Indigenous representatives remained the same. In July 2020, the CNE revoked Indigenous groups' right to vote directly and secretly to choose National Assembly representatives, without consulting Indigenous communities. After an outcry, the reform was rolled back in August.

Though several women hold senior positions in government, there remains a lack of policy discussion regarding issues that primarily affect women. Almost no openly LGBT+ people hold senior political or government positions in Venezuela. The first openly transgender member of the National Assembly, Voluntad Popular member Tamara Adrián, held a seat in the 2015–20 body.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Venezuela does not function as a representative democracy. The opposition-controlled legislature had no practical ability to carry out its constitutional mandate between 2015 and 2020 and was also supplanted by the proregime CNA, which was established under undemocratic conditions. After the opposition announced that it would boycott the 2020 National Assembly elections, effectively securing PSUV control of the chamber, Maduro announced the closure of the CNA.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant in Venezuela. The government's economic policies—particularly its currency and price controls—offer significant opportunities for black-market activity and collusion between public officials and organized crime networks. The United States, Canada, Panama, the EU, and others have sanctioned Venezuelan officials for corruption and other offenses that go uninvestigated in Venezuela. In June 2021, US, Canadian, and EU representatives suggested they would reconsider those policies if the country held more transparent elections.

Corruption has also affected the Venezuelan COVID-19 response. In April 2021, NGO Transparencia Venezuela reported that military and police personnel sought bribes while enforcing pandemic measures.

C3. Does the government operate with openness and transparency? 0 / 4

There is virtually no transparency regarding government spending. The Maduro regime has moreover consistently failed to publish reliable crime and economic data, including monthly inflation statistics and annual gross domestic product.

Watchdogs and others raised serious doubts about the veracity of government COVID-19 data, with NGOs and educational institutions calling official pandemic death figures noncredible. In May 2021, Transparencia Venezuela reported that the government withheld information on the recipients of COVID-19 vaccines imported from China and Russia. The NGO also reported that government officials made inconsistent statements on how many vaccines were administered.

CIVIL LIBERTIES: 13 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Independent journalists operate within a highly restrictive regulatory and legal environment, and risk arrest and physical violence in connection with their work. Venezuela formerly possessed a vibrant newspaper sector, though large numbers of publications have

closed or have narrowed their operations. In June 2021, NGO Prodavinci reported that 22 print newspapers were still operating, while 121 operated in 2013.

Journalists continued to face government pressure and arrest during 2021. In March, journalist Milagros Mata-Gil and poet Juan Manuel Muñoz were arrested after an article criticizing Attorney General Tarek William Saab was disseminated on social media. In July, the Press and Society Institute (IPYS) counted 213 press freedom violations committed by the Maduro regime and its followers in the first half of the year, targeting 88 journalists and 48 outlets along with NGOs. The IPYS counted 10 illegal arrests, 85 physical incidents, and 14 legal cases opened against journalists and outlets.

In April 2021, the TSJ's Civil Cassation Chamber ruled in favor of PSUV vice president Diosdado Cabello Rondón over his defamation claim against newspaper *El Nacional*. *El Nacional* was ordered to pay Cabello \$13.2 million, though the newspaper did not comply. In May, the TSJ authorized the seizure of the outlet's Caracas headquarters, allowing Cabello to take control of the facility.

The Maduro regime maintains a state communications infrastructure used to propagate its political and ideological program. Maduro made 224 televised appearances in 2021 through December 20. In contrast, live-streamed speeches by Guaidó are frequently blocked. State-owned media also provided favorable coverage to the government during the November 2021 local and regional elections.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Constitutional guarantees of religious freedom are generally respected, though tensions between the government and the Roman Catholic Church remain high. According to the 2020 edition of the US State Department's *Report on International Religious Freedom*, Roman Catholic and evangelical Christian groups reported government harassment, intimidation, and retaliation against their members, including members of the clergy. The report also noted that progovernment supporters espoused antisemitic attitudes on social networks, while progovernment media outlets carried antisemitic content during the reporting year.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom has come under mounting pressure since chavismo arrived to power. Budget cuts and other funding problems have undermined universities' autonomy and prompted an exodus of academics from the country.

The regime continued to exert its influence on academic activity during the year. In January 2021, then higher education minister César Trómpiz Cecconi announced that the regime would prioritize specific fields of study based on its economic priorities. In March, the government announced that salaries for university staff would be dispersed through Sistema Patria (Fatherland System), a centralized online platform for accessing government benefits and services. In July, the Inter-American Court of Human Rights (IACHR) cited the use of Sistema Patria when warning that budget troubles were threatening academic freedom in Venezuela. In September, the National Council of Universities appointed a new rector of Simón Bolívar University in an irregular session.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Free private expression is severely constrained in Venezuela. A May 2021 report issued by IPYS noted the government maintained strict control over telecommunications providers.

The government has also used social-service and health-care systems to surveil Venezuelans. Health-related measures were linked to the Fatherland ID card, which is required to access social services. In 2020, the government activated so-called Popular Prevention Brigades to identify people potentially infected with COVID-19 and to monitor their adherence to health advice. Brigade members are usually community members who maintain close PSUV ties. These brigades continued to operate in 2021.

In some cases, citizens continue to be targeted for their social media activity. In April 2021, Luis Morales, an Ezequiel Zamora rail system employee, was interrogated by intelligence agents for a satirical comment about the effects of a Chinese-produced COVID-19 vaccine. Morales was dismissed from his job and deleted his TikTok account on the recommendation of government officials.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

While guaranteed by the constitution, freedom of assembly is severely restricted in practice. Protests were nevertheless common despite government restrictions, with many politically motivated protests occurring in recent years. Violent clashes between protesters and security forces are known to occur. The number of protests have fallen due to COVID-19 restrictions, however.

The Venezuelan Observatory of Social Conflict (OVCS) counted 3,393 protests in the first half of 2021, a 23 percent decline from the first half of 2020. The OVCS also reported that 59 protests held in the first half of 2021 were violently repressed, counting 25 arrests, 7 injuries, and 1 death during the period. In November, the International Criminal Court (ICC) opened an investigation over the government's response to demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Activists and NGOs are routinely harassed, threatened, and subject to legal and administrative sanctions for their work. In January 2021, PSUV vice president Cabello denounced the Venezuelan Action Education Program on Human Rights (Provea) when the NGO claimed that the party benefited from British funds, calling for an investigation into one of the NGO's staff members. That same month, six staff members of Azul Positivo (Blue Positive), which provides medical services in Zulia State, were arrested by intelligence personnel. In July, the director of Fundaredes (Foundations), Javier Tarazona, was arrested after discussing possible links between Caracas and Colombian guerrillas operating in Venezuela. A pretrial hearing against Tarazona, who remained in detention, was held in mid-December.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Workers are legally entitled to form unions, bargain collectively, and strike, with some restrictions on public-sector workers' ability to strike. Control of unions has shifted from traditional opposition-allied labor leaders to new workers' organizations that are often aligned with the government. The competition has contributed to a substantial increase in labor violence as well as confusion and delays during industry-wide collective bargaining.

In July 2021, a member of the Trade Union Coalition of Venezuela reported that 11 arrests against labor leaders took place during the year to date. In September, the UN high commissioner for human rights in Venezuela voiced concern over the ongoing criminalization faced by labor leaders.

F. RULE OF LAW: 1 / 16**F1. Is there an independent judiciary? 0 / 4**

Politicization of the judicial branch increased dramatically under Chávez and has progressed further under Maduro. Political control of the judiciary was reinforced through the appointment of new, regime-loyal judges during the 2010s.

In recent years, the TSJ has issued numerous decisions that favored the Maduro regime. In 2020, it voided the extension of the opposition-controlled National Assembly's mandate, overruled the reelection of Juan Guaidó as the body's president, and changed the leadership of major opposition political parties. In September 2021, members of the UN's human rights mission in Venezuela criticized the judiciary's lack of independence.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Opponents of the government and the PSUV are routinely detained and prosecuted without regard for due process, and victims of violence at the hands of the state have no realistic avenue for redress.

In its June 2021 report, the OHCHR documented 17 killings "consistent with previously documented patterns of extrajudicial executions" between June 2020 and April 2021. In most of these cases, security officers broke into the homes of the victims. The OHCHR named three government agencies as primarily responsible: the Bolivarian National Police's Bureau for Scientific, Criminal, and Forensic Investigations; the Directorate of Criminal Investigations; and FAES. A September 2021 UN report noted that prosecutors and judiciary members effectively aided the regime's human rights abuses.

The military has also assumed roles previously reserved for civilian law enforcement institutions. According to Provea and Foro Penal, 870 civilians have been tried in military court proceedings between 2014 and August 2020.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Venezuelans face physical insecurity and violence from several sources, including irregular armed groups, security forces, and organized gangs.

In March 2021, the government launched a military campaign in the southwestern state of Apure, targeting the 10th Front, a FARC splinter group that is believed to engage in drug trafficking. The military launched aerial bombing campaigns and deployed soldiers, while the 10th Front employed guerrilla tactics. In late April, Human Rights Watch (HRW) reported that Venezuelan security forces engaged in arbitrary arrests, extralegal executions, and torture against those suspected of collaborating with the 10th Front. While Caracas did not consistently disclose casualty figures, an opposition figure claimed that several dozen soldiers were killed during the campaign, which subsided in late May with the military's effective retreat.

Statistics for 2020, released that December by the Venezuelan Violence Observatory (OVV), placed the country's rate of violent death—including homicides, deaths at the hands of the authorities, and other suspicious deaths—at 45.6 per 100,000 people, the highest figure in Latin America. The OVV report also noted a "sustained increase" in deaths caused by authorities since 2016; 2020 was the first year the OVV recorded more deaths by police than by other perpetrators.

Gang-related violence also puts Venezuelans at risk. Security forces engaged in protracted fighting with the Koki gang in Caracas over several days in July 2021. While the government reported the deaths of 22 "criminals" and 4 police officers, human rights

advocates claimed that 4 people were killed by stray bullets. Residents were trapped in their homes during the fighting. In December, the Fourth State Court convicted 9 people over the fighting, while another 15 were facing charges including terrorism and arms trafficking.

Prison conditions in Venezuela remain among the worst in the Americas. *Pranes*, or gang leaders who operate from prisons, freely coordinate criminal networks throughout Venezuela. Prisoners face poor medical treatment and risk contracting COVID-19. In January 2021, Salvador Franco, a member of the Indigenous Pemón group, died in custody after suffering poor health, despite a November 2020 court order requiring him to be sent to a medical facility. In September 2021, imprisoned journalist Roland Carreño was diagnosed with COVID-19. In October, Chávez-era defense minister Raúl Isaías Baduel died of COVID-19. Isaías, who had later opposed Chávez, was imprisoned since 2017 on conspiracy charges.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The rights of Indigenous people, who make up 2.5 percent of the population, are upheld by the constitution but poorly protected by authorities. In practice, Indigenous groups face discrimination and unequal treatment, especially in Bolívar, where Indigenous people experience labor exploitation, extortion by paramilitary groups, sex trafficking of some women, and land grabs related to illegal mining, which also results in the destruction of forests and other natural features on Indigenous lands. According to a 2021 World Heritage Watch report, over 18,000 acres within Canaima National Park, which is home to several thousand Pemón, have been affected by illegal mining.

Although discrimination based on sexual orientation is barred, LGBT+ Venezuelans face widespread intolerance and violence. At least four transgender, nonbinary, or gender nonconforming Venezuelans were murdered in the first eight months of 2021 according to NGO Nunca Dejes de Soñar (Never Stop Dreaming).

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

A COVID-19-related state of emergency, in effect between March 2020 and March 2021, placed harsh movement restrictions on Venezuelans. Authorities and paramilitary groups arbitrarily detained, physically attacked, and tortured civilians who did not follow quarantine and other security instructions during the state of emergency.

People continued to flee Venezuela in massive numbers due to the country's ongoing social and economic crises. The Office of the UN High Commissioner for Refugees (UNHCR) reported that over 5.9 million Venezuelans had fled as of October 2021. Children are known to leave Venezuela unaccompanied by adults; in May 2021, the Center of Human Rights at Andrés Bello Catholic University (CDH UCAB) reported that at least 430 children did so between October 2020 and February 2021.

Venezuelans living near the Colombian border fled while security forces waged an armed campaign against the 10th Front between March and May 2021. As many as 7,000 people fled across the border during the fighting.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights have been damaged by years of price controls, nationalization, over-regulation, and corruption. Accusations of mismanagement, underinvestment, graft, and politicized hiring practices within state-owned enterprises are common.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The politically driven economic collapse in Venezuela has reduced the availability of reproductive health care. Maternal and infant mortality has increased. Due to restrictive legislation on abortion, many women and girls resort to frequently unsafe and unsanitary clandestine abortions or travel abroad.

Women who have been political prisoners have reported attacks by security forces including sexual violence, threats of rape, and forced nudity. Women relatives of political prisoners have faced gender-based violence (GBV) and humiliation during visits in detention centers, security operations, and house raids.

A 2007 law was designed to combat violence against women, but domestic violence and rape remain common and are rarely punished in practice. During the first half of 2021, 116 women were killed, while 137 were killed in the first half of 2020, according to NGO Femicide Monitor.

The LGBT+ community in Venezuela still lacks fundamental rights like legal marriage, child adoption, and the right to one's gender identity.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Venezuelan women and children are increasingly vulnerable to sex trafficking within Venezuela and abroad, with the problem exacerbated by worsening economic conditions and the COVID-19 crisis. In August 2021, the CDH UCAB reported that 21 percent of Venezuelan migrants in Costa Rica, the Dominican Republic, Guyana, Panama, and Trinidad and Tobago were subjected to slavery-like conditions, including forced sex work.

With scarce job opportunities and hyperinflation outpacing wages, more Venezuelans have sought employment in the informal sector, where they are exposed to dangerous or exploitative working conditions. Among businesses that are legally registered, sanctions for labor law violations, when levied, generally target private-sector operations instead of those that are state-run.

Vietnam

Population: 96,200,000

Capital: Hanoi

Freedom Status: Not Free

Electoral Democracy: No

Overview: Vietnam is a one-party state, dominated for decades by the ruling Communist Party of Vietnam (CPV). Although some independent candidates are technically allowed to run in legislative elections, most are banned in practice. Freedom of expression, religious freedom, and civil society activism are tightly restricted. The authorities have increasingly cracked down on citizens' use of social media and the internet to voice dissent and share uncensored information.

KEY DEVELOPMENTS IN 2021

- In January, Nguyễn Phú Trọng was reelected to a third term as the CPV's general secretary, despite reports of Trọng's significant health issues and rules within the ruling party preventing general secretaries from serving more than two terms. In
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April, the National Assembly formally confirmed Pham Minh Chinh, a longtime hardline security official, as prime minister and Nguyễn Xuân Phúc as president.

- The government further limited internet freedom during the year, pushing forward a draft law in July that would restrict livestreaming and launching a national code of conduct for people using social media in June. The rights group Vietnamese Human Rights Network noted that Facebook, Google, and YouTube have increasingly complied with the government's "escalating demands to censor dissidents."

POLITICAL RIGHTS: 3 / 40**A. ELECTORAL PROCESS: 0 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president is elected by the National Assembly for a five-year term, and is responsible for appointing the prime minister, who is confirmed by the legislature. However, all selections for top executive posts are predetermined in practice by the CPV's Politburo and Central Committee.

In January 2021, Nguyễn Phú Trọng was reelected to a third term as the CPV's general secretary, a post with significant power, despite reports of Trọng's significant health issues and rules within the ruling party preventing general secretaries from serving more than two terms. In April, the National Assembly formally confirmed Pham Minh Chinh, a longtime hardline security official, as prime minister and Nguyễn Xuân Phúc as president.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Elections to the 499-seat Quoc Hoi, or the National Assembly, are tightly controlled by the CPV, which won 485 seats in the May 2021 largely rubber-stamp elections. Candidates who were technically independent, but were in fact vetted by the CPV, took the other 14 seats. Fewer independent candidates stood in the 2021 elections than in the 2016 poll.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral laws and framework ensure that the CPV, the only legally recognized party, dominates every election. The party controls all electoral bodies and vets all candidates, resulting in the disqualification of those who are genuinely independent.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

The CPV enjoys a monopoly on political power, and no other parties are allowed to operate legally. Members of illegal opposition parties are subject to arrest and imprisonment.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The structure of the one-party system precludes any democratic transfer of power. The Vietnam Fatherland Front (VFF), responsible for vetting all candidates for the National Assembly, is ostensibly an alliance of organizations representing the people, but in practice it acts as an arm of the CPV.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The overarching dominance of the CPV effectively excludes the public from any genuine and autonomous political participation.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Although members of ethnic minority groups are nominally represented within the CPV, they are rarely allowed to rise to senior positions, and the CPV leadership's dominance prevents effective advocacy on issues affecting minority populations. Vietnam has enacted policies and strategies aimed at boosting women's political participation, but in practice the interests of women are poorly represented in government.

C. FUNCTIONING OF GOVERNMENT: 2 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The CPV leadership, which is not freely elected or accountable to the public, determines government policy and the legislative agenda.

C2. Are safeguards against official corruption strong and effective? 1 / 4

CPV and government leaders have acknowledged growing public discontent with corruption, and there has been an increase in corruption-related arrests in recent years, as fighting graft has been a priority for the general secretary. Multiple senior officials, including two members of the Central Committee, have faced discipline including jail time.

Despite the crackdown, enforcement of anticorruption laws is generally selective and often linked to political rivalries. Many top officials who have been detained or jailed belonged to a different political faction than Trọng. The CPV does not tolerate journalistic investigations, independent courts, or other autonomous bodies that might serve as a check on corruption.

C3. Does the government operate with openness and transparency? 1 / 4

The CPV leadership operates with considerable opacity. The National Assembly passed an access to information law in 2016, but its provisions are relatively weak. Information can also be withheld if it is deemed to threaten state interests or the well-being of the nation. Independent journalists and civil society groups are not permitted to scrutinize or critique government activities, and authorities jailed numerous people in 2021 who criticized its COVID-19 response.

CIVIL LIBERTIES: 16 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 0 / 4**

Although the constitution recognizes freedom of the press, journalists and bloggers are constrained by numerous repressive laws and decrees. Those who dare to report or comment independently on controversial issues also risk intimidation and physical attack.

The criminal code prohibits speech that is critical of the government, while a 2006 decree prescribes fines for any publication that denies revolutionary achievements, spreads "harmful" information, or exhibits "reactionary ideology." Decree 72, issued in 2013, gave the state sweeping new powers to restrict speech on blogs and social media. The state controls all print and broadcast media.

A cybersecurity law that was adopted in 2018 and took effect in 2019 includes several provisions that could restrict access to uncensored news and information. It requires companies like Facebook and Google to store information about Vietnamese users in Vietnam and allows the government to block access to a broad range of content that could be defined as allegedly dangerous to national security. In 2021, the government further limited internet freedom, pushing forward a draft law in July that would restrict livestreaming and in June launching a national code of conduct for people using social media. The Vietnamese Human Rights Network noted in a 2021 report that Facebook, Google, and YouTube have increasingly complied with the government's "escalating demands to censor dissidents."

Arrests, assaults, and criminal convictions of journalists and bloggers continued to be reported in 2021. In January, authorities sentenced three journalists to over a decade in prison each, on charges of "making and disseminating propaganda." In April, the government sentenced a journalist to eight years in jail for posting "anti-state" writing. In August, five journalists were charged with "abusing democratic freedoms" for, among other stories, writing articles critical of the government's land use policies.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom remains restricted. All religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities. The 2016 Law on Belief and Religion reinforced religious registration requirements, allowed extensive state interference in religious groups' internal affairs, and gave authorities broad discretion to penalize unsanctioned religious activity. Unregistered and unrecognized religious groups face routine harassment, including violence, criminal charges, and property damage.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is limited. University professors must refrain from criticizing government policies and adhere to party views when teaching or writing on political topics. A university in Danang fired one of its lecturers for "wrong statements" about the government's lack of aid to help citizens weather the economic consequences of the COVID-19 pandemic. A student had taken a video of the lecturer arguing with a student and criticizing the lack of government relief efforts for those affected by the pandemic, which they then posted online.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Although citizens enjoy more freedom in private discussions than in the past, authorities continue to attack and imprison those who openly criticize the state, including on social media. The government engages in surveillance of private online activity.

In 2021, authorities fined and jailed ordinary citizens for critiquing the state's COVID-19 response. In July, multiple Facebook users were arrested and detained in July for posting articles critical of the government. The Vietnam Human Rights Network claimed that in 2021 authorities held nearly 300 prisoners of conscience, an increase from 2020.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 1 / 4

Freedom of assembly is tightly restricted. Organizations must apply for official permission to assemble, and police routinely use excessive force to disperse unauthorized

demonstrations. After nationwide anti-China protests in 2018, during which dozens of participants were assaulted and arrested, the courts convicted well over a hundred people of disrupting public order, and many were sentenced to prison terms.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

A small but active community of nongovernmental organizations (NGOs) promotes environmental conservation, land rights, women's development, and public health, including extensive work on COVID-19 in 2021. However, human rights organizations are generally banned, and those who engage in any advocacy that the authorities perceive as hostile risk imprisonment.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

The Vietnam General Conference of Labor (VGCL), the only legal labor federation, is controlled by the CPV. The right to strike is limited by tight legal restrictions.

A 2019 revision of the labor code, adopted to comply with international trade agreements, would theoretically allow workers to form their own representative bodies after it took effect in January 2021, but it remained clear that labor organizations were harshly repressed in practice.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary is subservient to the CPV, which controls the courts at all levels. This control is especially evident in politically sensitive criminal prosecutions, with judges sometimes displaying greater impartiality in civil cases.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Constitutional guarantees of due process are generally not upheld. Defendants have a legal right to counsel, but lawyers are scarce, and many are reluctant to take on cases involving human rights or other sensitive topics. Defense lawyers do not have the right to call witnesses, and often report insufficient time to meet with their clients. In national security cases, police can detain suspects for up to 20 months without access to counsel.

Amendments to the penal code that took effect in 2018 included a provision under which defense lawyers can be held criminally liable for failing to report certain kinds of crimes committed by their own clients.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

There is little protection from the illegitimate use of force by state authorities, and security personnel are known to abuse suspects and prisoners, sometimes resulting in death or serious injury. The death penalty can be applied for crimes other than murder, including drug trafficking.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Members of ethnic minority groups face discrimination in Vietnamese society, and some local officials restrict their access to schooling and jobs. They generally have little input on development projects that affect their livelihoods and communities. Members of

ethnic and religious minorities also sometimes face monitoring and harassment by authorities seeking to suppress dissent and suspected links to exile groups.

Men and women receive similar treatment in the legal system. Women generally have equal access to education, and economic opportunities for women have grown, though they continue to face discrimination in wages and promotions.

The law does not prohibit discrimination based on sexual orientation or gender identity, and societal discrimination remains a problem. In a 2020 report, Human Rights Watch noted that “Pervasive myths about sexual orientation and gender identity in Vietnam contribute to violence and discrimination which is felt strongly among lesbian, gay, bisexual, and transgender (LGBT) youth.” Nevertheless, LGBT+ pride events are held annually across the country.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Although freedom of movement is protected by law, residency rules limit access to services for those who migrate within the country without permission, and authorities have restricted the movement of political dissidents and members of ethnic minorities on other grounds. Vietnamese citizens who are repatriated after attempting to seek asylum abroad can face harassment or imprisonment.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

All land is owned by the state, which grants land-use rights and leases to farmers, developers, and others. Land tenure is one of the most contentious issues in the country and is the subject of regular protests. The seizure of land for economic development projects is often accompanied by violence, accusations of corruption, and prosecutions of those who voice objections.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not place explicit restrictions on personal social freedoms. Men and women have equal rights pertaining to matters such as marriage and divorce under the law. In 2015, Vietnam repealed a legal ban on same-sex marriage, but the government still does not grant such unions legal recognition.

Domestic violence against women remains common, and the law calls for the state to initiate criminal as opposed to civil procedures only when the victim is seriously injured.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking is a problem in Vietnam. The US State Department reported in its 2021 *Trafficking in Persons* report that although the government has taken some steps to boost antitrafficking efforts, it was not meeting minimum standards for combating the practice. Internationally brokered marriages sometimes lead to domestic servitude and forced prostitution. Male and female Vietnamese migrant workers are vulnerable to recruitment for forced labor abroad in a variety of industries. Enforcement of legal safeguards against exploitative working conditions, child labor, and workplace hazards remains poor.

Yemen

Population: 30,500,000

Capital: Sanaa

Freedom Status: Not Free

Electoral Democracy: No

Overview: Yemen, previously home to a long-running series of smaller internal conflicts, has been devastated by a civil war involving regional powers since 2015. Saudi Arabia, the United Arab Emirates (UAE), and their allies intervened that year to support the government of President Abd Rabbu Mansur Hadi against Ansar Allah (Supporters of God), also known as the Houthis—an armed rebel movement that is rooted in the Zaidi Shiite community, which forms a large minority in northwestern Yemen. The civilian population has suffered from direct violence by both sides, as well as from hunger and disease caused by the interruption of trade and aid. Elections are long overdue, normal political activity has halted, and many state institutions have ceased to function.

KEY DEVELOPMENTS IN 2021

- The civil war continued for a seventh year, with the most intense fighting concentrated in Marib Governorate, where the Houthi rebels reportedly made costly gains against progovernment forces. Tens of thousands of civilians were displaced as a result.
- Yemen's humanitarian crisis again grew worse during the year, with civilians facing hardships including cholera, malnutrition, and fuel shortages in addition to the COVID-19 pandemic. By the end of 2021, more than 10,000 coronavirus cases and nearly 2,000 related deaths had been confirmed, though the country's capacity to track the spread of the pathogen was extremely limited, and both the Hadi government and Houthi officials allegedly withheld data related to the pandemic.

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the existing constitution, the president is elected for seven-year terms. In 2011, after sustained pressure from the United States, the United Nations, and the Gulf Cooperation Council, longtime president Ali Abdullah Saleh signed a Saudi-brokered agreement that transferred his powers to then vice president Hadi in exchange for immunity from prosecution for his role in a violent crackdown on antigovernment protests. In 2012, Yemeni voters confirmed Hadi, who ran unopposed, as interim president with a two-year term. In 2014, the multiparty National Dialogue Conference (NDC), a months-long initiative in which more than 500 delegates aimed to reach agreement on Yemen's political future, concluded with a plan to transform the country into a federated state of six regions. The NDC also extended Hadi's term by one year so that the proposed reforms could be finalized in a new constitution.

However, the constitutional drafting process and election schedule were thrown into disarray by the Houthis, who took over large swaths of the country, eventually occupying Sanaa in September 2014. The Houthis subsequently refused to evacuate the capital as part

of a tentative power-sharing agreement, leading Hadi and his cabinet to flee into exile in early 2015. Meanwhile, the Houthis assumed control of state institutions in the areas they held. Hadi retained international recognition as president but had no clear mandate and little control over the country.

In keeping with the Saudi-brokered Riyadh Agreement of 2019, a power-sharing government was formed by anti-Houthi factions in December 2020. Hadi loyalists retained control of the most powerful ministries, but the government included representatives from the Southern Transitional Council (STC), a separatist group backed by the UAE; the Islamist party Al-Islah; and other political blocs. Maeen Abdelmalek Saeed, Hadi's prime minister since 2018, kept his post.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

According to the constitution, the president selects the 111 members of the largely advisory upper house of Parliament, the Majlis al-Shura (Consultative Council). The 301 members of the lower house, the House of Representatives, are elected to serve six-year terms. The original six-year mandate of the last Parliament expired in 2009, and elections were put off again in 2011 amid the popular uprising against Saleh. In January 2014, the NDC declared that parliamentary elections would occur within nine months of a referendum on the new constitution then being drawn up. The constitutional drafting committee completed its work in January 2015, but due to the outbreak of the civil war and the Saudi-led intervention in March of that year, no vote has yet taken place. The incumbent Parliament was disbanded after the Houthis seized control of the capital.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Presidential and legislative elections are now many years overdue, and no side in the civil war has been able to assert enough territorial control to implement any electoral framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Political parties continue to exist in Yemen, but they face severe repression by different authorities and armed groups across the country.

The Houthis have harshly suppressed political dissent in areas under their control since 2015. Yemeni forces associated with the UAE have used arbitrary arrests, detentions, and enforced disappearances to persecute certain political groups, including members of Al-Islah, an offshoot of the Muslim Brotherhood in Yemen.

In 2019, after clashes broke out in the southern city of Aden between the Saudi-backed Hadi government and the STC, an ally of convenience against the Houthis that enjoys Emirati support, the STC detained dozens of progovernment politicians, clerics, and activists. The Saudi-brokered Riyadh Agreement, reached in late 2019, temporarily ended the infighting, but a new round of clashes broke out in the first half of 2020 after the STC pulled out of the deal and declared self-rule in Aden. It eventually returned to the Riyadh Agreement process in July of that year.

The power-sharing government formed by anti-Houthi factions in December 2020 included Hadi's General People's Congress (GPC) party, the STC, Al-Islah, the Socialist

Party, and a number of smaller parties and independents. It remained unclear in 2021 whether the arrangement would lead to a meaningful decrease in political persecution for the participating groups in areas outside Houthi control.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Parliamentary elections have not been held in Yemen since 2003 and were last due in 2009. The most recent presidential election, in 2012, featured only one candidate. No date had been set for future elections as of 2021, and peaceful political opposition has been suppressed in the context of the civil war.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Ordinary political activity is impeded by the presence of multiple armed groups throughout Yemen, including Houthi-led rebel forces, extremist groups, southern separatists, foreign troops from the Saudi-led coalition, Hadi government troops, and local or partisan militias.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

All segments of the population lack political rights under current conditions in Yemen. Thirty percent of the NDC's delegates were women, and its final agreement called for similar representation in all branches of government under a new constitution, but the draft constitution has been on hold since the outbreak of war. Only one woman won a seat in the last parliamentary elections, and no women were appointed to the December 2020 power-sharing government. A caste-like minority group with East African origins, known as the Akhdam or Muhamasheen, accounts for as much as 10 percent of the population but has long been marginalized in politics and in society. The group had one representative at the NDC.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Yemen has no functioning central government with full control over its territory, and any state institutions that continue to operate are controlled by unelected officials and armed groups. The Hadi government is largely dependent on its foreign patrons, particularly Saudi Arabia and the UAE, which also have parallel relationships with other anti-Houthi groups. The Houthis receive at least some support from Iran.

Saudi and Emirati military forces have occupied several strategic portions of Yemeni territory, including Al-Mahrah Governorate and the island of Socotra, respectively. Emirati and STC forces have reportedly disregarded the Hadi government's objections to their presence and quasi-governmental activities on Socotra.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Government probity was minimal even before the outbreak of war in 2015, as a network of corruption and patronage established under Saleh remained entrenched in public institutions, and formal anticorruption mechanisms were largely ineffective. The disruption to legal commerce caused by the civil war has increased the role of smuggling and created further opportunities for graft. In May 2021, the Houthis began a campaign to collect funds

for Palestine, leading many observers to question whether the money was given voluntarily and how it would actually be used. Food aid is often stolen and sold illegally by officials on all sides of the civil conflict, exacerbating a food-security crisis that has left millions at risk of malnutrition. The obstruction of aid also increased the difficulty of international efforts to contain and treat COVID-19 in the country.

C3. Does the government operate with openness and transparency? 0 / 4

Government transparency, already limited prior to 2015, has deteriorated along with state institutions during the war. The only truly national institution that had initially continued to function during the conflict, the central bank, has been split between a government-backed version in Aden and a rebel-backed version in Sanaa since 2016. This has caused politicized disruptions to public-sector salaries, aid, and commerce, and further reduced the transparency of state finances and monetary policy. Both the Houthis and the Hadi government have allegedly undercounted COVID-19 cases and withheld related data.

CIVIL LIBERTIES: 8 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16 (-1)

D1. Are there free and independent media? 0 / 4

The state has historically controlled most terrestrial television and radio, though there have been several privately owned radio stations. Since the outbreak of the war, the belligerents have either taken over or enforced self-censorship at any surviving media outlets in the country. Houthi-backed authorities reportedly block certain news websites, online messaging and social media platforms, and satellite broadcasts.

The Houthis, the Saudi-led coalition, and Hadi government forces have harassed and detained journalists, and several new arrests were reported in 2021. In April 2020, the Houthi-controlled Specialized Criminal Court in Sanaa issued death sentences against four journalists accused of espionage; they remained in custody as of December 2021. All sides in the conflict have subjected journalists to violent attacks and enforced disappearances. Among other incidents during the year, STC forces raided the offices of the state news agency in Aden in June 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Islam is the official religion, and the constitution declares Sharia (Islamic law) to be the source of all legislation. A small number of Yemenis belong to non-Muslim religious groups; their rights have traditionally been respected in practice, though conversion from Islam and proselytizing to Muslims is prohibited. Members of the Baha'i community in the north have reported increased persecution under Houthi rule. Legal proceedings against a group of 24 Baha'is arrested in 2017 apparently continued during 2021, though at least five had been released and deported in 2020, and it was unclear whether the others were still in custody.

Since the outbreak of the war in 2015, assassinations and other violent attacks on religious clerics have increased, and combatants on all sides have destroyed many religious buildings across the country.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4 (-1)

Since 2015, Houthi officials have been accused of skewing the curriculum in schools and universities to promote their political ideology. Houthi authorities have also dismissed

and replaced faculty and administrators who are deemed politically disloyal, and repeatedly detained and prosecuted scholars and students as part of their crackdown on dissent. Outspoken academics face a heightened risk of physical violence from the Houthis as well as other armed groups and progovernment forces, and some scholars have been killed by unidentified assailants in recent years.

The war has caused damage to educational facilities across the country, suspension of classes and other activities at many schools and universities, and deaths of children caught in either errant or deliberate military attacks on schools. Millions of students no longer attend school due to the war, and thousands have been recruited by armed groups.

Score Change: The score declined from 1 to 0 due to the Houthi authorities' growing assertion of ideological control over education in recent years, including through replacement of staff, suppression of dissent, and political indoctrination.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Freedom of personal expression and private discussion is severely limited as a result of intimidation by armed groups and unchecked surveillance by the Houthi authorities, who have detained critics of their rule and used courts under their control to issue harsh penalties, including death sentences, for some perceived opponents.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Yemenis have historically enjoyed a degree of freedom of assembly, limited by periodic restrictions and at times deadly interventions by the government. Demonstrations against both the Hadi government and Houthi authorities have occurred in recent years, resulting in arrests and alleged torture of detainees in some cases.

In September 2021, Yemenis took to the streets in Taiz, Aden, and other cities in the southern governorates to protest worsening economic conditions. STC and progovernment forces opened fire on demonstrators, leading to multiple deaths. In response to the unrest, STC leader Aidarus al-Zoubaidi declared a state of emergency and authorized southern security forces to open fire on protesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

A number of nongovernmental organizations (NGOs) work in the country, but their ability to function is restricted by interference from armed groups, and the spread and politicization of COVID-19 has made their work even more dangerous. Houthi forces have closed or raided NGO offices and detained workers, and both main sides in the civil war have blocked or seized humanitarian aid. Human rights defenders risk arrest and detention by both Houthi and anti-Houthi forces, and several arrests were reported during 2021, including by Hadi government forces in Marib Governorate.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The law acknowledges the right of workers to form and join trade unions, but in practice these organizations have had little freedom to operate. Virtually all unions belong to a single labor federation, and the government is empowered to veto collective bargaining agreements. Normal union activity has been disrupted by the civil war and the related breakdown of the economy.

F. RULE OF LAW: 1 / 16 (-1)**F1. Is there an independent judiciary? 1 / 4**

The judiciary, though nominally independent, is susceptible to interference from various political factions and armed groups. Authorities have a poor record of enforcing judicial rulings, particularly those issued against prominent tribal or political leaders. Lacking an effective court system, citizens often resort to tribal forms of justice and customary law—practices that have increased as state institutions continue to deteriorate. Criminal courts in Houthi-controlled areas remain active, but they are used as a political instrument by the Houthi leadership, according to UN experts. The judicial system is mostly inoperative in some other parts of the country.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Arbitrary detention is common, with hundreds of cases documented in recent years. Many amount to enforced disappearances, with no available information about the victims' status or location. Detainees are often held at unofficial detention sites. As with other state institutions, security and intelligence agencies like the Political Security Organization have been split into parallel structures aligned with the different sides in the civil war. In areas that lie within the UAE's sphere of influence in southern Yemen, Emirati special forces have operated a network of secret prisons and detention centers where torture is said to be rife. Human rights lawyers have faced detention or intimidation by both Houthi and Hadi government authorities, particularly when they attempt to represent high-profile defendants.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The civil war has included periods of acute violence across the country. Saudi-led coalition air strikes have failed to distinguish between military and civilian targets, and artillery fire from Houthi forces has been similarly indiscriminate. A number of other armed factions, including foreign military units and extremist groups like Al-Qaeda in the Arabian Peninsula (AQAP), operate in the country with impunity for any abuses. According to the Armed Conflict Location & Event Data Project, some 145,000 people have been killed in the conflict since the beginning of 2015, including more than 15,000 in 2021. Fighting and related casualties during the year were concentrated in Marib Governorate, where a Houthi offensive made gains against government forces.

In addition to reports of torture and other abuse in prisons and detention centers, detainees have faced a heightened risk of disease due to the COVID-19 pandemic since 2020. In September 2021, Houthi authorities carried out a public execution of nine individuals they said were involved in the 2018 death of a senior Houthi official during an air strike by the Saudi-led coalition. UN representatives condemned the killings, noting that the trial process had not met international standards of due process.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4 (-1)

Despite the growing sectarian rift between the Sunni Muslim majority and the large Zaidi Shiite minority, Yemen is relatively homogeneous in terms of language and ethnicity. However, the Muhamasheen face severe social discrimination and poverty. Women also continue to face discrimination in many aspects of life, and their testimony in court is equivalent to half that of a man. Same-sex sexual activity is illegal, with possible penalties including lashes, imprisonment, and death. Due to the severe threats they face, few LGBT+ Yemenis reveal their identity.

Migrants and refugees fleeing war and poverty in the Horn of Africa continue to arrive in Yemen. Many of those entering were seeking work in the Gulf states but faced harsh conditions, violence, and barriers to further travel once in Yemen. The combination of war and the pandemic has worsened conditions for migrants. In March 2021, at least 45 detained migrants died during a fire caused by Houthi security forces, who had attacked their immigration detention center in Sanaa with unidentified projectiles after the detainees organized a hunger strike to protest overcrowded, unsanitary, and abusive conditions at the facility.

Effective legal protections and basic supplies are also lacking for internally displaced persons (IDPs), who have been disproportionately affected by loss of livelihood due to the COVID-19 pandemic. Most perform unskilled jobs in the informal economy, and many have been blamed for spreading the virus.

Score Change: The score declined from 1 to 0 because in the absence of effective legal protections, the country's growing populations of refugees, foreign migrants, and displaced people have faced worsening living conditions, mistreatment, and violence during the civil conflict.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

There were more than four million IDPs in Yemen by the end of 2021, according to figures released by the Office of the UN High Commissioner for Refugees (UNHCR). Nearly 100,000 people were displaced during 2021 in Marib Governorate alone, according to some estimates.

Movement within the country is impaired by combat, landmines, damage to infrastructure, and checkpoints at which a variety of armed groups engage in harassment and extortion. Even in peacetime, a woman must obtain permission from her husband or father to receive a passport and travel abroad.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights and business activity have been severely disrupted by the civil war and unchecked corruption, as well as the retreat of state authorities from large areas of Yemen and the division of the country into spheres of influence controlled by different armed groups. Women do not have equal rights in inheritance matters. Land disputes in the Houthi-held areas are handled by Houthi-controlled courts, which can lead to the rejection of government-issued documentation and the seizure of land.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women face disadvantages in divorce and custody proceedings and require a male guardian's permission to marry. Child marriage is a widespread problem. There are some restrictions on marriage to foreigners; a woman can confer citizenship on a child from a foreign-born spouse if the child is born in Yemen. The penal code allows lenient sentences for those convicted of "honor crimes"—assaults or killings of women by family members for alleged immoral behavior. Although female genital mutilation is banned in state medical facilities, it is still prevalent in some areas. Extremist groups have attempted to impose crude versions of Sharia in territory under their control, harshly punishing alleged violations related to sexual activity, personal appearance, and other matters.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The war has increased the risk of human trafficking, and after 2015 the government was no longer able to pursue antitrafficking efforts it had previously begun. Migrants, refugees, and IDPs are especially vulnerable to exploitation. Children have reportedly been recruited as fighters by all sides in the war.

Border controls and naval blockades imposed by the Saudi-led coalition have contributed to shortages of food, medicine, fuel, and other essential imports, leaving the public more exposed to famine and disease as well as coercion and deprivation by armed groups and illegal traders. The World Food Programme reported that as of December 2021, 16.2 million people were food insecure in Yemen, with 47,000 of them believed to be living in famine-like conditions. A cholera outbreak continued in 2021. By the end of the year, the World Health Organization had reported more than 10,000 confirmed cases of COVID-19 and nearly 2,000 deaths, though limited testing and other factors meant that both cases and deaths were likely undercounted.

Zambia

Population: 19,100,000

Capital: Lusaka

Freedom Status: Partly Free

Electoral Democracy: No

Overview: Zambia's political system features regular multiparty elections, and some civil liberties are respected. However, opposition parties face onerous legal and practical obstacles to fair competition, and the government regularly invokes restrictive laws to narrow political space. In 2021, Zambia experienced its third democratic transfer of power when the opposition United Party for National Development (UPND) won presidential and legislative elections.

KEY DEVELOPMENTS IN 2021

- In August, UPND candidate Hakainde Hichilema defeated incumbent Edgar Lungu of the Patriotic Front (PF) in the presidential election. The election was marred by widespread violence, the selective enforcement of the 1955 Public Order Act (POA) and COVID-19-related regulations, and a polling-day social media blackout.
- In August, the UPND won legislative elections held concurrently with the presidential contest, displacing the PF as the largest party in the National Assembly. While the results were considered credible, the contests were similarly marred by violence and the selective enforcement of the law to impede the opposition.
- In March, the PF government enacted the Cyber Security and Cyber Crimes Act (CSCCA). The law requires telecommunications providers to install hardware and software that can facilitate the interception of messages, among other measures.

POLITICAL RIGHTS: 21 / 40 (+1)

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is directly elected to serve up to two five-year terms. In August 2021, UPND candidate Hakainde Hichilema defeated incumbent Edgar Lungu of the PF in what was Hichilema's third attempt against Lungu. Hichilema won 59 percent of the vote, while Lungu won 38.7 percent. Turnout was high, at 70.6 percent. Lungu initially questioned the results but later conceded; Hichilema assumed office in late August.

The electoral period was marred by violence, with PF and UPND supporters clashing in several provinces as the vote approached. In mid-June, the Electoral Commission of Zambia (ECZ) ordered a halt to PF and UPND campaigning in four districts, including Lusaka, because of violence, though those restrictions ended by late July. Lungu deployed military forces in parts of Zambia in early August, and military personnel remained on patrol through polling day.

The electoral period was also affected by hate speech. In late June, the ECZ suspended former information minister Chishimba Kambwili from campaign activities for engaging in hate speech against the Tonga ethnic group. The restriction was lifted after Kambwili apologized in July, though he continued to espouse those views afterwards.

Zambian internet users were unable to access social networks including Facebook and WhatsApp on election day, though some users were able to connect using virtual private networks. The High Court of Lusaka overturned the order to disrupt connectivity the day after polling.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The unicameral National Assembly comprises 156 elected members, up to 8 members appointed by the president, and 3 seats allocated for the vice president, the speaker, and a deputy speaker.

The August 2021 polls were held concurrently with the presidential election and featured the same problems. The UPND won 82 seats, up from 58 in the last legislature. The PF initially won 59 seats, a fall from 80 in the last legislature. The Party of National Unity and Progress won 1, while independents won 13. The PF won a special election for an Eastern Province seat in October, bringing their total to 60.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The ECZ is responsible for managing the election process but lacks capacity. The US-based Carter Center, which monitored the August 2021 polls, noted that the government did not implement previous observers' recommendations to independently select commissioners. The Carter Center also criticized the ECZ for managing the electoral process "without proper consultation with stakeholders."

The ECZ conducted a voter-registration drive in 2020 to build a new voter roll. As part of that process, over 16,000 prisoners were also registered to vote as of that December. The ECZ's overall management of that process was criticized by observers and the UPND. In March 2021, Hichilema claimed that younger Zambians were underrepresented and that the ECZ was more effective in registering PF voters. African Union (AU) observers noted that the ECZ dismissed calls to audit the roll.

B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties are registered under the Societies Act and do not regularly face onerous registration requirements. Independent candidates may also run for office. However, the authorities selectively enforced COVID-19 restrictions and the POA to impede opposition rallies during the 2021 electoral period.

Political party members faced official harassment and arrest as well as violence during the electoral period. In March, authorities in Copperbelt Province arrested 25 members of a UPND youth cadre as they reportedly prepared to take part in a rally. The UPND criticized the arrest, noting that PF youth cadres appeared to operate without official interference. In late July, two PF members were killed, with police suspecting that UPND members had murdered them. On election day, PF provincial chairman Jackson Kung'u was killed; UPND members who suspected Kung'u of possessing premarked ballots were allegedly responsible for killing him.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+1)

In 2021, Zambia experienced its third democratic transfer of power between rival groups. Opposition parties regularly win National Assembly seats. Laws against election-related violence are poorly enforced, however.

The UPND won the August 2021 presidential and legislative elections despite PF efforts to impede their campaign. The PF benefited from bias among state media and some private media outlets, along with the selective enforcement of the POA and COVID-19 regulations and restrictions on the movement of then candidate Hichilema.

Score change: The score improved from 2 to 3 because opposition candidates won the presidential and legislative elections despite government efforts to impede their campaigns.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 3 / 4

The people's political choices are largely free from domination by groups that are not democratically accountable, though the PF has at times been accused of undemocratic tactics including vote-buying to ensure election victories.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Suffrage in Zambia is universal for adult citizens. Women have equal political rights under the constitution. Gender-equity legislation took effect in 2015, though regulations to enact its measures have not been put into force since its passage.

Women have been dissuaded from seeking office due to candidate-registration fees and educational requirements, though registration fees fell in March 2021. Women held only 15 percent of National Assembly seats as of September. Female cabinet representation is also low; in September, President Hichilema appointed only five women to cabinet posts. Legislators also approved the abolishment of the Ministry of Gender later that month, with its functions moving to the president's office.

Presidents since independence have failed to honor the 1964 Barotseland Agreement, which promised the Lozi ethnic group of Western Province limited local self-governance. In August 2021, Barotse separatist leader Akufuna Mumbotwa, who was arrested for treason in 2014, was pardoned by outgoing president Lungu.

C. FUNCTIONING OF GOVERNMENT: 4 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4**

Flawed elections have undermined the democratic legitimacy of executive and legislative officeholders. The executive has also exhibited dominance over legislators in the past. Candidates who won posts in the August 2021 elections were able to assume power smoothly, however. The UPND, which became the largest party in National Assembly after the elections, is able to pass legislation with little effective resistance from opposition legislators.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption in government is widespread, and impunity is common. Prosecutions and court decisions on corruption charges, when they do occur, are often thought to reflect political motivations. Limited funding and enforcement restrict the efficacy of institutional safeguards against corruption, and PF leaders have sometimes undermined anticorruption efforts. In September 2021, President Hichilema moved the Anti-Corruption Office, the economic crimes commission, and the public prosecutor's office under his own office.

In 2020, the Financial Intelligence Centre (FIC), a government anticorruption watchdog, disseminated 14 reports covering suspected corruption worth as much as 2.2 billion kwacha (\$121 million) to authorities. The FIC reported that government officials awarded noncompetitive contracts for payment and that overvalued contracts were often awarded without the expectation of work being completed.

In September 2021, Transparency International called on law enforcement agencies to investigate a patronage network allegedly profiting from the illegal trade in mukula wood.

C3. Does the government operate with openness and transparency? 1 / 4

Zambia continues to struggle with government transparency and accountability. There is no access to information law. The Anti-Corruption Act requires some public officeholders to make financial declarations, but is only loosely enforced.

CIVIL LIBERTIES: 30 / 60 (-2)**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16 (-1)****D1. Are there free and independent media? 1 / 4**

Press freedom is constitutionally guaranteed but restricted in practice. Public outlets have exhibited a pro-PF bias while private outlets are largely polarized. Self-censorship remains common.

Outlets that are perceived as aligned with PF opponents have faced arbitrary closure, while critical journalists risked damage to equipment, frivolous lawsuits, arrest, and harassment from the PF and its supporters. In 2020, for example, the Independent Broadcasting Authority (IBA) shuttered privately owned Prime TV following a protracted dispute with the PF government. In mid-August 2021, the IBA restored Prime TV's broadcasting license.

Several outlets were targeted by PF supporters during 2021. In early February, PF supporters reportedly attacked Liberty Community Radio in the northern district of Mporokoso after it hosted Democratic Party leader Harry Kalaba. In early March, PF supporters forcibly entered the facility of Chete FM, which featured UPND members in a broadcast. Opposition members at the station were assaulted, while PF supporters used tear-gas and pepper spray against station staff. In early June, equipment at Kalungwishi Radio was damaged by unidentified arsonists.

Journalists may also be affected by the CSCCA, which took effect in March 2021. In May, the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) criticized the CSCCA, warning that journalists could face surveillance under the new law.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Constitutional protections for religious freedom are generally respected. However, the constitution declares Zambia to be a Christian nation. The PF government was criticized for blurring the separation of church and state, including by attempting to include “Christian morality” in the constitution, backing an annual National Day of Prayer, building an inter-denominational church, and appointing a minister of national guidance and religious affairs. In September 2021, the UPND government abolished that ministry, though it maintained the National Day of Prayer in an October decision.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4 (-1)

The government generally does not restrict academic freedom. However, authorities have pressured student unions in response to protests, while student demonstrators have risked arrest by police. University professors face intimidation for pursuing academic activities of a political nature.

The PF government targeted academic Sishuwa Sishuwa for authoring a March 2021 opinion piece in which he discussed the possibility of unrest following the August elections. In late March, Emmanuel Mwamba, then Zambia’s ambassador to Ethiopia and the AU, implied that an opposition party paid Sishuwa for his article. In April, Mwamba accused Sishuwa of sedition in a letter to the inspector general of police, reportedly prompting an investigation into the academic.

Score change: The score declined from 3 to 2 because a professor faced a police investigation in connection with his political commentary.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

There is some freedom of private discussion and personal expression in Zambia, though the PF government appeared to monitor citizens’ speech on social media, at times resulting in arrests. Zambians can also face prosecutions for defamation.

Zambians also face surveillance under the CSCCA, which was enacted in March 2021. Under the law, service providers must install hardware and software that allow for the interception of communications. Section 59 of the CSCCA, meanwhile, prohibits communications that can “corrupt morals.”

Access to social media was restricted on polling day in August 2021, though the High Court of Lusaka ordered an end to the restrictions the day after.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4 (-1)

Freedom of assembly is constitutionally guaranteed but has not been consistently respected by the government. Peaceful anti-PF protests and opposition meetings were frequently restricted under the POA. Police must be notified in advance of all public gatherings and often denied permission for political events to proceed.

Political rallies and assemblies were affected by the PF government’s use of the POA and COVID-19 regulations ahead of the August 2021 elections. In its report, the Carter

Center noted that authorities disproportionately halted or restricted UPND events using pandemic-related rules, while PF events were largely unrestricted.

Assemblies were also impacted by violence during the year. Cadres of PF and UPND supporters engaged in acts of violence, property destruction, and intimidation to disrupt peaceful assemblies during the electoral period, though PF supporters were likelier to perpetrate such acts against their opponents. The ECZ suspended campaigning in Lusaka and three other districts because of violence between June and July 2021, while then president Lungu deployed the military in parts of Zambia in August for the same reason. Authorities also used force to disperse some opposition rallies.

Score change: The score declined from 2 to 1 because COVID-19 restrictions and a public-order law were disproportionately used to restrict opposition gatherings and because authorities forcefully dispersed opposition election rallies.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) operate in a restrictive environment and are required to register every five years under the 2009 NGO Act. In November 2020, the PF government amended the law to increase monitoring of NGO funds for possible illegal activities such as money laundering and the financing of terrorism. Human rights defenders and activists often experience intimidation and cyberharassment from political party supporters.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The law generally provides for the right to join unions, strike, and bargain collectively, though workers in essential services do not have the right to strike, and the category is defined to include the mining industry. Zambian trade unions, which were once among Africa's strongest, faced interference and marginalization under the PF.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence is guaranteed by law, but in practice the judiciary is subject to political pressure. In late 2018, the Constitutional Court, then composed entirely of Lungu appointees, issued a unanimous ruling that appeared to support Lungu's eligibility for another term.

President Hichilema appointed judge Mumba Malila as Supreme Court chief justice after taking office, a decision legislators ratified in December 2021. Legislators also ratified President Hichilema's appointment of a Judicial Complaints Commission member that month.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Pretrial detainees are sometimes held for years without trial owing to case backlogs. Many of the accused lack legal representation. Bail is frequently denied to detainees. In rural areas, customary courts of variable quality and consistency—whose decisions often conflict with the constitution and national law—decide many civil matters.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Allegations of police brutality, including the use of torture to extract confessions, are widespread. Security forces generally operate with impunity. Conditions in pretrial detention facilities and prisons are poor, with reports of forced labor, abuse of inmates by authorities, and deplorable health conditions.

While the death penalty remains on the books, no executions have taken place since 1997. In January 2021, then president Lungu commuted the death sentences of 246 people.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Women are constitutionally guaranteed the same rights as men, but gender-based discrimination and sexual harassment are prevalent in practice.

Same-sex sexual activity is punishable by up to life in prison. A same-sex couple sentenced to 15 years' imprisonment in 2019 was pardoned in 2020.

Refugees are protected under local and international law but often suffer from limited access to basic services and gender-based violence (GBV). Some 75,000 refugees resided in Zambia as of December 2021.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The government generally respects the constitutionally protected right to free internal movement and foreign travel. However, internal movement is often impeded by petty corruption, such as police demands for bribes at checkpoints. Authorities also restricted the movement of UPND supporters and then candidate Hichilema during the 2021 electoral period.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Agricultural land in rural areas is mostly administered under traditional authorities. However, the president retains ultimate authority over all land and can intercede to block or compel its sale or transfer. Women are frequently discriminated in property and inheritance matters. The process of meeting regulatory requirements for starting and operating businesses can be lengthy and opaque.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal status issues such as marriage and divorce are governed by either statutory or customary law, with customary practices varying among different ethnic groups. Due in large part to a government-backed strategy in place since 2016, the rate of child marriage has decreased significantly in recent years, though more than 30 percent of women aged 20 to 24 were married before age 18 according to 2018 UN Children's Fund data.

Domestic abuse is common, and traditional norms inhibit many women from reporting assaults. While rape can draw a maximum penalty of life in prison with hard labor, the problem is widespread, and the law is not frequently enforced. Police recorded a 19.8 percent increase in GBV between the third quarters of 2019 and 2020. In January 2021, police recorded a 10.7 percent rise in GBV between the third and fourth quarters of 2020.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Labor exploitation, child labor, and human trafficking remain prevalent despite laws meant to prevent them. Zambian authorities continue to struggle in sustaining antitrafficking efforts. Most human trafficking in Zambia reportedly entails cross-border trafficking of young men and exploitation of women and children from rural areas in economic pursuits ranging from domestic work to mining and agriculture.

The 2021 edition of the US State Department's *Trafficking in Persons Report* noted that while some trafficking survivors received assistance, few male survivors were accommodated in shelters. Some forms of sex trafficking are criminalized, though sex-trafficking survivors were often charged with prostitution while alleged traffickers escaped investigation. The State Department also noted that Zambian children faced higher risks of sex trafficking and forced labor during COVID-19-related school closures.

Zimbabwe

Population: 15,100,000

Capital: Harare

Freedom Status: Not Free

Electoral Democracy: No

Overview: The Zimbabwe African National Union–Patriotic Front (ZANU-PF) has dominated Zimbabwean politics since independence in 1980, in part by carrying out severe crackdowns on the political opposition, critical media, and other sources of dissent. President Emmerson Mnangagwa took power in 2017 after the military intervened to remove longtime president Robert Mugabe amid factional divisions within the ruling party. However, the new administration has largely retained the legal, administrative, and security architecture inherited from the Mugabe regime, and after an initial period of improvement, stepped up repression to consolidate its authority. Endemic corruption, weak rule of law, and poor protections for workers and land rights remain among Zimbabwe's critical challenges.

KEY DEVELOPMENTS IN 2021

- In May, Parliament passed a constitutional amendment that eliminated direct elections for the vice president, and established a new procedure under which the vice president is appointed by the president. Opposition groups condemned the amendment, saying that it was designed to further consolidate power in the office of the president.
- The ruling ZANU-PF party continued to silence dissenting voices through arbitrary arrests of opposition leaders, human rights activists, and journalists.
- COVID-19 lockdown restrictions continued to limit Zimbabweans' freedom of movement. Activists were targeted by the authorities for violating lockdown measures. The opposition Movement for Democratic Change Alliance (MDC Alliance) was systematically denied clearance to hold meetings due to lockdown regulations.
- In clear breach of the Provincial Councils and Administration Act and the Private Voluntary Organisations (PVO) Act, Harare provincial development coordinator Tafadzwa Muguti banned all nongovernmental organizations (NGOs) and PVOs that defied his June instructions to report directly to his office. The organizations were accused of operating outside their mandates and working in opposition to the current government. This ban was lifted in September after a High Court ruling.

POLITICAL RIGHTS: 11 / 40

A. ELECTORAL PROCESS: 3 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president is directly elected and limited to two five-year terms under the 2013 constitution. Former president Robert Mugabe was forced to resign after 37 years in power as a result of the 2017 coup. ZANU-PF then selected Mnangagwa, whom Mugabe had dismissed as vice president, to succeed him. A presidential election, alongside parliamentary and local polls, was held as planned in July 2018. Mnangagwa was credited with 50.8 percent of the vote, followed by MDC Alliance candidate Nelson Chamisa with 44.3 percent and Movement for Democratic Change–Tsvangirai (MDC-T) candidate Thokozani Khupe, with 0.9 percent.

International and local observers reported a peaceful campaign but raised concerns about the election's overall conduct and integrity. Southern African Development Community (SADC) and European Union (EU) observers noted challenges including parties having difficulty accessing voter rolls, progovernment bias by state media, contested postal voting, the denial of the diaspora's right to vote, reports of assisted voting, and intimidation meant to aid the ruling party.

Vote-tallying irregularities and delays led to postelection tensions. The MDC Alliance leadership declared victory in the presidential election before the official results were released, and accused ZANU-PF of attempting to rig the vote. Postelection opposition protests erupted in Harare, and the military was deployed to disperse them, leading to several deaths. The Zimbabwe Electoral Commission (ZEC) ultimately declared Mnangagwa the winner but the MDC, whose factions had reunited after the elections, refused to recognize the legitimacy of Mnangagwa's victory.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Zimbabwe has a bicameral legislature. In the lower chamber, the 270-seat National Assembly, 210 members are elected through a first-past-the-post system with one member per constituency, and 60 women are elected by proportional representation. The 80-seat Senate includes six members from each of Zimbabwe's 10 provinces who are elected through proportional representation. Sixteen are indirectly elected by regional councils, two seats are reserved for people with disabilities, and two are reserved for tribal chiefs. Members in both houses serve five-year terms.

ZANU-PF won 180 of the 270 National Assembly seats in the 2018 parliamentary elections. The MDC Alliance won 87, and the MDC-T won 1 via proportional representation. An independent former ZANU-PF member and the National Patriotic Front, a ZANU-PF splinter faction, each took one seat. In the Senate, ZANU-PF secured 34 elected seats, the MDC Alliance took 25, and the MDC-T took 1. Bureaucratic irregularities and media bias also marred the parliamentary elections. Traditional leaders ignored the constitutional ban on their participation in partisan politics.

In March 2020, the Supreme Court ruled that Chamisa was not the legitimate opposition leader, replacing him with MDC-T leader Khupe. Khupe subsequently recalled 31 MDC Alliance legislators of both houses in 2020, forcing them to surrender their seats. Another 15 MDC Alliance members defected to the MDC-T to retain their seats.

ZANU-PF won most local and national by-elections held during 2019, though observers raised concerns about the interference of traditional leaders, reports of violence, alleged ballot-box stuffing, and the distribution of food and medicine to secure votes. By-elections have been suspended indefinitely since 2020 due to COVID-19-related restrictions.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The ZEC is responsible for election management and oversight, but its independence from ZANU-PF is questionable. International election monitors criticized its management of the 2018 polls, noting issues with vote-count stewardship, opaque procurement processes, and the irregular arrangement of the ballots themselves. Political parties and civil society had difficulty accessing voter rolls, affecting audit and verification processes envisioned by the Electoral Act.

The introduction of biometric voter registration in 2017 remains problematic, and on election day in 2018 there was no biometric voter authentication. There was a noticeable decline in voter registration in Harare and Bulawayo, possibly due in part to fewer registration kits being allocated there.

Weeks ahead of the 2018 elections, the Constitutional Court ruled that Zimbabweans abroad must return to the country to register to vote, effectively contravening constitutional provisions guaranteeing every citizen the right to vote.

In July 2019, the ZEC appointed a former military figure as its chief elections officer. The opposition criticized the move, noting his long history of overseeing flawed elections during his tenure as acting chief elections officer during the 2018 balloting.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties generally form without interference. However, state media tend not to cover opposition parties, impacting their competitiveness. Authorities often suppress opposition gatherings. While opposition groups were able to hold most meetings with limited disruption in the run-up to the 2018 elections, the MDC and its supporters faced postelection raids, arrests, and prosecutions. MDC members continued to be targeted in 2021.

Groups such as Mthwakazi Liberation Front (MLF) are blocked from conducting memorial meetings for victims of the 1980s Gukurahundi massacres. The MLF is regarded by the government as a secessionist political party, and its leaders have faced persecution.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

ZANU-PF has dominated the government since independence, though the MDC held the post of prime minister as part of a power-sharing deal with Mugabe between 2009 and 2013.

The MDC managed to increase its share of parliamentary seats in the 2018 elections despite the uneven playing field, and Chamisa secured almost a million more votes in the 2018 presidential contest than the MDC candidate had in 2013. However, postelection violence limited the opposition's ability to operate and gain support, as reflected in the 2019 by-election results.

The opposition has recently been weakened by factional infighting, which ZANU-PF reportedly fostered. By the end of 2020, Douglas Mwonozora had taken over the MDC-T presidency from Khupe and as leader of the opposition, his faction benefits from government funding.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The military continues to play a critical role in political affairs since Mugabe's ouster in 2017. Many senior military officials assumed leadership positions in ZANU-PF and the government.

Traditional leaders, who wield influence over public resources such as food aid, have intimidated villagers, restricted opposition access to their areas, and issued political statements in support of the ruling party, despite constitutional provisions and court orders requiring them to abstain from partisan politics. The president of the National Council of Chiefs, Fortune Charumbira, publicly supported Mnangagwa and ZANU-PF ahead of the 2018 elections, and defied a court order to retract his statements.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Zimbabwe's ethnic Shona majority dominates ZANU-PF, and members of the Ndebele minority have at times expressed frustration about political marginalization by both ZANU-PF and the MDC.

Women and their interests are underrepresented in the political system. The 2018 elections resulted in a decline in the number of women elected outside proportional representation. After the vote, women made up 34 percent of the parliament, down from the post-2013 35 percent figure. The proportional representation quota expires in 2023, raising questions about whether progress in women's representation will be sustained. Four of 23 presidential candidates in 2018, or 17 percent, were women.

LGBT+ advocacy groups exist, but severe discrimination limits their ability to advance their interests in the political sphere.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The president and parliament generally determine policies and legislation, but they lack strong electoral legitimacy, and the parliament does not serve as an effective check on executive power. In October 2019, after MDC lawmakers staged a walkout during Mnangagwa's state of the nation address, the speaker imposed heavy financial penalties.

The military continues to interfere in civilian governance. Some officers received cabinet appointments following the 2017 coup, and senior commanders were rewarded with ambassadorships during 2019. The government denied rumors of another coup in June 2020, which were prompted by the military's involvement in seizing MDC property and enforcing COVID-19-related lockdown measures.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is endemic, and past revelations of large-scale graft did not lead to successful prosecutions. In early 2019, President Mnangagwa dismissed the existing Zimbabwe Anti-Corruption Commission (ZACC) board and appointed the wife of a former general, a retired major, former opposition politicians, and civil society leaders to the body. Though ZACC continues to refer corruption cases to prosecutors, opposition leaders have called for it to be disbanded, accusing the commission of lacking the independence, capacity, and will to carry out its mandate.

Corruption featured heavily in the government's COVID-19 response. In June 2020, Health Minister Obadiah Moyo was arrested after ZACC accused him of steering a \$42 million contract to a firm outside the pharmaceutical sector. Moyo was dismissed from his post in July.

In September 2020, ZACC reported that the National Pharmaceutical Company allegedly violated procurement rules when acquiring equipment and chemicals for COVID-19-related

work earlier in the year, and Deputy Health Minister John Mangwiro unsuccessfully steered a related tender to a firm that offered inflated prices. Despite calls for Mangwiro to be prosecuted, he has remained in that post through 2021.

C3. Does the government operate with openness and transparency? 1 / 4

Government processes are generally opaque. Access to information is constitutionally protected, but restrictive laws limit the ability of media outlets and ordinary citizens to obtain government information. In July 2020, new freedom-of-information legislation, which aimed to make some information freely available by replacing the restrictive Access to Information and Protection of Privacy Act, was enacted.

CIVIL LIBERTIES: 17 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16

D1. Are there free and independent media? 1 / 4

The constitution protects media freedom, but restrictive laws undermine this guarantee. Harsh penalties, including prison sentences, for violations of laws like the Criminal Law (Codification and Reform) Act (CLCRA) contribute to self-censorship among journalists.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) has historically dominated broadcast media. Many Zimbabweans rely on radio for information, but media diversity is limited by sustained refusals to grant licenses to community radio stations. Commercial radio licenses usually go to state-controlled companies or individuals connected to ZANU-PF. The government controls the two main daily newspapers, though there are several independent print outlets. In November 2020, the Broadcasting Authority of Zimbabwe broke the ZBC's monopoly by issuing new television broadcasting licenses. All six awardees were connected to the government or ruling party, and one was owned by the Defense Ministry.

Journalists continued to face detention and arrest throughout the year. In May 2021, Jeffrey Moyo, a freelance journalist working for a number of international media outlets, was arrested in Harare and charged with violating Section 36 of Zimbabwe's Immigration Act by allegedly helping two *New York Times* journalists obtain false media accreditations. Earlier that month, *Zim Morning Post* editor Elias Mambo and reporter Farai Machamire were arrested under Section 95 of Zimbabwe's Criminal Law (Codification and Reform) Act of 2004, for alleged criminal insult after interviewing a politician. In September, 10 journalists were arrested for covering a demonstration against the unconstitutional exclusion of MDC Alliance representatives from ZEC stakeholder meetings.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally respected in Zimbabwe. However, congregations perceived to be critical of the government have faced harassment. In August 2020, Roman Catholic bishops criticized the government in pastoral letter, and authorities called on congregants to "ignore" the letter later that month.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The Ministry of Higher Education supervises education policy at universities, and the president serves as chancellor of all eight state-run universities. The government has the authority for enforcing discipline at state-run universities. Students face violent police responses to campus protests.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Zimbabweans have enjoyed some freedom and openness in private discussion, but official surveillance of political activity is a deterrent to unfettered speech. Individuals have been arrested for critical posts on social media, prompting self-censorship online.

In September 2021, Parliament passed the Cyber Security and Data Protection bill, which President Mnangagwa signed into law in December. Several NGOs have criticized the law for infringing on individuals' rights to freedom of expression online and providing avenues that allow authorities to monitor private communication and target opposition figures.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12**E1. Is there freedom of assembly? 1 / 4**

Freedom of assembly is constitutionally guaranteed but poorly upheld in practice. In November 2019, the Maintenance of Peace and Order Act (MOPA) replaced the more repressive Public Order and Security Act, though MOPA retains heavy assembly restrictions. Authorities instituted a strict COVID-19 lockdown in March 2020, limiting the size of public gatherings. While such restrictions remained in place throughout 2021, the strictest lockdown measures were lifted in September.

Opposition groups continue to struggle to organize meetings, but their efforts are routinely frustrated by authorities. The Zimbabwe Peace Project (ZPP) recorded widespread event disruption, harassment, and intimidation efforts targeting opposition groups and leaders throughout 2021.

In July 2021, well-known activist Makomborero Haruzivishe was granted bail after being arrested earlier in the year for allegedly inciting public violence. Haruzivishe has a long history of spearheading peaceful protests and speaking out against government repression; he has been arrested 38 times over the past decade, though he has never been convicted of any crime. Despite being granted bail, Haruzivishe remained incarcerated through the end of the year, making this the longest period of detention he has faced.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

NGOs face restrictions under laws including the CLCRA and the Private Voluntary Organisations (PVO) Act, despite rights laid out in the constitution. Any organization that engages in charitable or humanitarian work is required to register as a PVO, and the disruption of PVO and NGO activity by the authorities is relatively common. NGO leaders and members faced detentions, abductions, and continued scrutiny in 2021.

In June 2021, Harare's provincial development coordinator Tafadzwa Muguti issued a directive ordering all NGOs to submit their work plans to his office for regulation and approval. This order directly contravened provisions made for NGOs in the PVO Act, and was met with widespread noncompliance. In response, Muguti's office issued an order banning hundreds of NGOs. A September High Court decision reversed this ban, ruling that Muguti's order was unlawful and declaring it null and void, removing legal constraints on NGOs that had not complied with the order.

In November, the government proposed an amendment to the PVO Act, which seeks to expand the definition of PVOs and further limit how NGOs can operate, including by prohibiting any political involvement or affiliation and requiring additional governmental oversight for certain types of organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The Labour Act gives the government broad authority to veto collective bargaining agreements it deems economically harmful, and to regulate unions' internal operations. Strikes are banned in "essential" industries and subject to procedural restrictions. Due to the unemployment and heightened informal employment that have accompanied Zimbabwe's economic crisis, unions are grossly underfunded. Strikes are sometimes tolerated, though union leaders are often charged with subversion for such activity.

In March 2020, doctors and nurses working in public hospitals launched a strike over a lack of protective equipment. In June, the Zimbabwe Nurses Association launched a strike aimed at securing pay in US dollars. In October, teachers held a strike over pay and working conditions.

F. RULE OF LAW: 2 / 16**F1. Is there an independent judiciary? 1 / 4**

Pressure on the courts to endorse executive actions and protect ZANU-PF's interests has eroded the judiciary's independence. Judges occasionally rule against the government in sensitive cases, but this is rare, and such rulings are not always respected.

Individual judges faced a further loss in independence when Chief Justice Luke Malaba issued a directive instructing them to clear rulings with superiors in July 2020. Malaba rescinded his directive after fierce criticism later that month.

In May 2021, a constitutional amendment introduced new changes affecting the judiciary. Judges of the Constitutional Court and the Supreme Court will now retire at 75 instead of at 70, allowing the president to extend Malaba's contested position. Senior judges joining the bench for the first time are now appointed by the president in consultation with the Judicial Service Commission instead of being subjected to public interviews. The introduction of the amendment contravened the constitution, as it did not follow procedures requiring a 90-day notice period to allow for public input.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Constitutionally stipulated due process protections are not enforced. Security personnel frequently ignore basic rights regarding detention, searches, seizures, and accused persons are often held and interrogated without legal counsel or explanation of the reason for arrest. Lawyers also face detention and arrest on spurious charges. Perceived opponents of the regime faced arrests and detentions throughout 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Security forces backed by ZANU-PF have long engaged in acts of extralegal violence, including against opposition supporters, with impunity. Detainees and protesters often face police brutality, sometimes resulting in death. Overcrowded prisons are unsanitary, food shortages are rampant, and prisoners risk contracting illnesses including COVID-19.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

While discrimination is prohibited under the 2013 constitution, it is not expressly prohibited on the basis of sexual orientation or gender identity. Sex between men is a criminal offense and can be punished with a fine and up to a year in prison. Land and indigenization policies have previously been criticized for discriminating against white Zimbabweans.

Despite legal protections against gender discrimination, women face significant disadvantages in practice, including in employment and compensation.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Movement has been restricted by the extensive use of police roadblocks, which have been deployed in recent years to impede protests. Roadblocks and documentation checks have also been used to enforce COVID-19 lockdown measures.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Land rights are poorly protected, and in rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure. Women face discrimination in terms of access to and ownership of land, particularly communal or family land controlled by traditional leaders or male relatives.

In August 2020, the government launched a compensation scheme to support White and foreign-born farmers affected by a 2000s land reform program. Under the program, some landowners may regain lost property.

In June 2021, the government began the process of seizing a privately owned farm belonging to three Black Zimbabweans, including Siphosami Malunga, a well-known human rights activist and critic of the government, reflecting long-standing concerns regarding the security of property rights for all Zimbabweans.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Laws on personal status matters such as marriage and divorce are generally equitable, but customary practices put women at a disadvantage. Domestic violence is a problem, and sexual abuse is widespread, especially against girls.

Child marriages were banned in 2016, but factors including poverty, certain religious views, and lack of enforcement have sustained the practice; a third of girls are married by age 18. In June 2020, UK-based NGO CAMFED reported that more children were considering marriage in response to the COVID-19 pandemic's economic effects.

The Termination of Pregnancy Act makes abortion illegal except in very limited circumstances. Same-sex marriages are constitutionally prohibited.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Due to an ongoing economic crisis, many workers are not adequately compensated, and can go unpaid for months. Inflation has accelerated, with the government reporting a figure of 837 percent in August 2020. The International Trade Union Confederation Global Rights Index categorized Zimbabwe as one of the worst countries to work in its 2021 assessment.

The government has continued efforts to combat the problem of human trafficking. Men, women, and children can be found engaged in forced labor in the agricultural sector, forced begging, and forced domestic work. Women and girls remain particularly vulnerable to sex trafficking.

Territory Reports

Abkhazia

Population: 243,000

Freedom Status: Partly Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Abkhazia, a breakaway region of Georgia, has maintained de facto independence since the end of a civil conflict in 1993. The government is financially dependent on Russia, which has a military presence in Abkhazia and is one of a handful of the UN member-states that recognizes the territory's independence. The tumultuous political environment features significant opposition and civil society activity. Ongoing problems include a flawed criminal justice system, discrimination against ethnic Georgians, and a lack of economic opportunity.

KEY DEVELOPMENTS IN 2021

- Authorities deployed the army and riot police in December to prevent opposition protesters from taking over the parliament building during an antigovernment demonstration. The protesters, who demanded the resignation of President Aslan Bzhania, were forcibly dispersed; despite the use of tear gas and batons, there were no reports of protesters or police being hospitalized.
- In June, the parliament adopted legislation requiring all public officials and their close relatives to submit annual declarations of income, property, and expenses. The declarations were submitted in July before being made public the following month.
- Abkhazian authorities opened the main crossing with Georgia for certain residents in February almost a year after it had been closed as a COVID-19-related health measure. The crossing was opened for all residents who possess locally authorized travel documents in July.

POLITICAL RIGHTS: 17 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

Abkhazia's 1999 constitution established a presidential system, in which the president and vice president are directly elected for five-year terms.

In 2019, then-president Raul Khajimba appeared to win reelection in a runoff of the year's presidential poll, which had been rescheduled after his opponent Aslan Bzhania was hospitalized with mercury poisoning. Bzhania ended his candidacy and was replaced by former Sukhumi mayor Alkhas Kvitsinia, who unsuccessfully sued to overturn the results of the election after he lost by 1 percent of the vote. In a rapid series of events in January 2020, opposition protesters broke into government headquarters to demand Khajimba's resignation, a majority of lawmakers called on him to resign, and the Supreme Court overturned its 2019 decision and annulled the results of the 2019 runoff. Khajimba resigned a few days later.

Bzhania won a snap election called for March 2020, taking more than 56 percent of the vote in the first round. Two lesser-known candidates divided the remainder; Khajimba did not participate. Most established election monitors do not assess Abkhazia's elections. However, informal observations indicated that the balloting and campaign period were relatively free.

Under the constitution, the prime minister and cabinet are appointed by and accountable to the president. In April 2020, President Bzhania appointed former president Aleksandr Ankvab as prime minister.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The parliament, or People's Assembly, comprises 35 members elected for five-year terms from single-seat constituencies. The 2017 parliamentary elections were marred by instances of intimidation, with violent attacks on two candidates. The voting was voided and rescheduled in one district due to ballot irregularities. Independent deputies dominated the new legislature, including many who were oriented toward the opposition, though about 20 legislators were considered supporters of Khajimba.

Following the March 2020 snap presidential election, four lawmakers left their seats to join the executive branch, including the new president and his prime minister. Their seats were filled through snap elections in July and September 2020. In December 2021, Bzhania announced that parliamentary elections would be held in March 2022.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The legal framework does not support fully democratic elections. Eight members of the Central Electoral Commission (CEC) are chosen by the parliament, and seven are appointed by the president. While elections in recent years have been competitive, all elections are predicated on the exclusion of ethnic Georgians.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Many parties and social organizations participate in Abkhazia's fractious political system, and these movements generally enjoy freedom of association. Organizations representing veterans of the 1992–93 war with the Georgian government are particularly influential.

However, corruption within parties hampers their democratic functioning, and a 2009 law forbids the formation of parties catering to the interests of any particular ethnic, religious, racial, or professional group. Parties are relatively weak as electoral vehicles and as forces within the parliament, with most candidates campaigning and serving as independents. In the 2017 parliamentary contest, 112 of 137 candidates ran as independents.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Although independent candidates are not able to draw on the sort of support or infrastructure typically associated with membership in an established political party, those running against incumbents have enjoyed some success. For example, while no candidates for the opposition groups Amsakhara or United Abkhazia were elected in 2017, most incumbent legislators—including government ministers—lost their seats.

After winning the 2020 presidential election, Bzhania invited representatives of alternative political groups to join his government, including Ankvab, who became prime minister, and Sergey Shamba of United Abkhazia, who became secretary of the Security Council. Meanwhile, Khajimba supporters quickly formed several political groups with the goal of contesting the 2022 parliamentary elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

While voters' choices influence domestic politics, the functioning of Abkhazia's political institutions remains dependent on economic and political support from Moscow.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Under the constitution, only a person of Abkhaz nationality who speaks the Abkhaz language and is a citizen of Abkhazia can be elected to the presidency. The Armenian and Russian communities traditionally have an informal agreement whereby parties nominate members of ethnic minorities to represent districts where they predominate. Ethnic Abkhaz dominate the political sphere; of the 35 members of the parliament, 32 have Abkhaz surnames and 3 are Armenian. The ethnic Georgian population is routinely excluded from elections and political representation. As with other recent elections, authorities argued ahead of the 2021 local elections that most residents in the ethnic Georgian district of Gali were Georgian passport holders and therefore not permitted to cast ballots.

Societal norms discourage women from running for office, and women and their interests remain underrepresented in the political sphere. In 2020, only one cabinet-level position and one parliamentary seat were held by women, and only 16 of the 179 seats contested in the 2021 local elections were filled by women. Few politicians have participated in discussions about introducing legislative quotas to increase the presence of women in the parliament.

C. FUNCTIONING OF GOVERNMENT: 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

While Abkhazia's president sets the tone for most domestic policy, the overall ability of elected authorities to determine and implement policies is limited by the economic and political influence of Moscow. The Russian government supplies most of the state budget, though its contributions have started to decline.

Several thousand Russian troops are permanently stationed in the territory. However, there has been significant pushback against a 2014 Russian-Abkhazian treaty, with critics arguing that some of its provisions threaten Abkhazia's autonomy. In November 2020, faced with a pandemic and an economic downturn, Abkhazian leaders withdrew many of their previous concerns and signed an agreement with Russia that called for changes to a number of laws, including amendments that would give broader rights to Russian investors and impose restrictions on local nongovernmental organizations (NGOs) that receive foreign funding. The Russian state remains influential in Abkhazia's security apparatus; the territory's State Security Service (SGB) includes a representative of the Russian government in its leadership.

In addition to foreign influence, Abkhazia's government has been affected by a pattern of political instability in recent years. Prime ministers have been frequently replaced, and Khajimba was the second consecutive president to be forced out of office amid antigovernment

protests. Despite Bzhania's initial promises to pursue constitutional reforms that would shift some power from the executive branch to the parliament, no such change occurred in 2021.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is believed to be extensive and is tolerated by the government, despite promises to combat it. In recent years, Russian officials have voiced concern about the large-scale embezzlement of funds provided by Moscow, but efforts to investigate and punish such malfeasance have been largely ineffective.

After the change in government in 2020, prosecutors launched investigations into allegations of embezzlement and fraud at state-owned companies. One of these investigations resulted in the Sukhumi City Court sentencing a former official to a seven-year prison term in May 2021. In February, the Prosecutor General's Office alleged that a small number of doctors at one of Sukhumi's hospitals had taken bribes and embezzled state funds and deployed a special forces unit to detain them. Opposition politicians and Abkhazian medical workers condemned the excessive force used to detain the doctors, accusing the chief prosecutor of ordering an unlawful police operation; the case remained unresolved at year's end.

C3. Does the government operate with openness and transparency? 2 / 4

Legal amendments from 2015 allow citizens to request information about any government decisions that are not classified as state secrets, and to receive a response within a month. Nevertheless, the territory's political culture is nontransparent, and social stigmas prevent citizens from requesting information.

In June 2021, after roughly two years of discussion, the parliament adopted legislation requiring all public officials and their close relatives to declare their income, property, and expenses. After the law came into force in July, the government published the declarations on an official website. Local activists questioned data in the declarations, which they said omitted information about the ownership of shares in private companies and expressed concern that local authorities would not be able to verify information about property and bank accounts registered outside of Abkhazia.

In 2021, the Office of the Commissioner for Human Rights released its second annual report on human rights conditions in Abkhazia. The report, which was presented to the parliament in March and published online in May, noted that law enforcement agencies continued to ignore the concerns the office raised, refused to provide complete and relevant information, and did not respond to requests in a timely manner. Despite earlier promises to use the work of the commissioner as the basis of planned law enforcement reform, the government pursued very little engagement with the office's work in 2021 and refused to authorize the commissioner's request for an increase in the office's budget.

CIVIL LIBERTIES: 23 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16****D1. Are there free and independent media? 2 / 4**

The local media sector is dominated by the government, which operates the Abkhaz State Television and Radio Company (AGTRK), a newspaper, and a news agency, though there are also some private outlets. Journalists have criticized AGTRK for failing to air material that could be perceived as unflattering to the government. News websites and social media have become increasingly popular sources of information. Major Russian television stations broadcast into Abkhazia, and residents of the Gali district have access to Georgian broadcasts. Some legal restrictions apply to both traditional and online media, including criminal libel statutes.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Orthodox Christianity is the dominant religion in Abkhazia, but the Georgian Orthodox Church faces discrimination and restrictions. Most practicing Christians adhere to one of two branches of the Abkhazian Orthodox Church. Though the Abkhazian Orthodox Church declared its separation from the Georgian Orthodox Church in 2009, its autonomy has not been officially recognized. In February 2021, Abkhaz Orthodox leaders temporarily suspended most religious services, saying that they would resume once the independent status of the church was confirmed by the Moscow Patriarchate. Services resumed several days later, but the autonomy of the Abkhazian Orthodox Church remained unrecognized by other Orthodox groups.

Muslims are allowed to practice freely, though some community leaders have been attacked in the past. In 2020, local Muslim leaders reported ongoing difficulties in their efforts to obtain permission for the construction of an official mosque; Islamic religious services have generally been held in private homes, some of which were renovated and expanded to accommodate increased participation.

There are no widely reported restrictions on the minority who identify with Abkhazia's traditional pre-Christian religion. Jehovah's Witnesses are formally banned under a 1995 decree. In June 2021, a Hare Krishna-run boarding school and education center was shut down following allegations that students were being sexually abused.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The education system is affected by the de facto government's political priorities. Schools providing instruction in Russian, Abkhaz, and Armenian generally operate without interference. However, Georgian-language schools in Gali have been undergoing reorganization since 2015 with the aim of replacing Georgian with Russian. In September 2021, teaching in Georgian was banned in Abkhazia, though it is still taught as a foreign language in many schools throughout the predominantly Georgian east.

Universities in the capital have recently become more lenient about the enrollment of Gali Georgians, who are educated in Russian and lack Abkhaz passports. Nevertheless, bureaucratic complications still arise with respect to obtaining a diploma, and some argue that requiring aspiring university students to take Abkhaz-language proficiency exams as part of their graduation from secondary school disadvantages members of ethnic minorities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

The freedoms of personal expression and private discussion are not severely restricted in practice. Social media platforms host vibrant discussions on political and other topics in Abkhazia. However, there is some self-censorship on sensitive subjects, especially those relating to ethnic Georgians and relations with Tbilisi, or to the families of senior officials or local businessmen. In October 2020, a young ethnic Georgian was detained in Gali after setting fire to the Abkhaz flag during public celebrations marking the anniversary of the end of the 1992–93 war; he was sentenced to a nine-year prison term that December.

In March 2021, a young ethnic Abkhaz woman posted a short video in which she stated that "Abkhazia is Georgia." The Interior Ministry launched an official investigation, interrogated the woman and her parents, and released footage of them apologizing and condemning the woman's earlier statement. The same month, another video appeared of a local businessman, who had been a presidential advisor, in which he toasted Georgia during a trip

to Tbilisi. The video provoked two days of street rallies in front of governmental headquarters, which ended after the man stated that he had not traveled to Tbilisi as a representative of the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is largely respected, and opposition and civil society groups regularly mount protests.

In December 2021, the authorities deployed both riot police and the army to prevent opposition protesters from violently taking over the parliament building during an anti-government demonstration in Sukhumi. The rally had been organized in protest of the government's response to the COVID-19 pandemic, the energy crisis in Abkhazia, and the persecution of opposition members; the protesters demanded the resignation of President Bzhania. Despite the use of tear gas and batons, there were no reports of protesters or police being hospitalized; however, members of a television crew were injured. Although a criminal investigation was launched against the leaders of the protest, no opposition leaders were arrested by year's end.

A similar opposition rally took place in March to protest against a former presidential advisor's visit to Tbilisi. That protest ended without the use of force, but one of its organizers, Akhra Avidzba, was arrested. In June, Avidzba was found guilty of illegally possessing weapons, including grenade launchers; he was released after being given a fine and three years' probation. Though some politicians suggested that Avidzba had planned to forcibly take over government headquarters, no related charges were filed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Civil society organizations, particularly groups representing Abkhazia's war veterans, exert influence on government policies. Some 300 NGOs are registered, though only a fraction of these is active. NGOs that receive funding from foreign governments or entities that do not recognize Abkhazia's independence face criticism from local journalists and authorities. While its November 2020 policy agreement with Russia called for special restrictions on groups that receive foreign funding, the government had not adopted such legislation by the end of 2021.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions exist, but unions and labor activists have struggled to effectively defend the rights of workers and typically have little say in policies or decisions made by the government or private businesses. Workers often rely on informal networks to settle disputes. In recent years the Federation of Independent Trade Unions of the Republic of Abkhazia (FNPR) has clashed with the government over the distribution of social insurance funds. During the FNPR's May 2021 conference, union leaders criticized the government, saying that a lack of official support continues to negatively affect the federation's work.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Despite attempts to introduce more parliamentary oversight of the judiciary, nepotism and corruption reportedly have a significant impact on judicial independence. Implementation of judicial decisions remains inconsistent.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The criminal justice system is undermined by limited defendant access to qualified legal counsel, violations of due process, and lengthy pretrial detentions.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Isolated acts of criminal and political violence occur in Abkhazia, though government data have shown declines in the overall crime rate in recent years. Conditions in prisons and detention centers are reportedly poor, and the 2021 report by the human rights commissioner's office highlighted cases of alleged torture and mistreatment of detainees.

Organized crime remains a significant problem. In November 2019, two suspected members of a criminal organization, along with one bystander, were killed by assailants in Sukhumi. After the change in leadership in 2020, at least one of the former president's private bodyguards was arrested for alleged involvement in the incident.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Ethnic Georgian residents of the Gali district continue to face discrimination, including police harassment and unequal access to documentation, education, and public services. In 2017, Sukhumi began issuing residence permits to Gali Georgians for five-year renewable terms. Permit holders may retain Georgian citizenship, reside in Gali, and cross the de facto border into Georgia proper. Local officials warned Gali Georgians against attempting to hold both passports.

Many women in Abkhazia reportedly experience gender-based violence, with higher rates in rural areas. The territory lacks robust legal protections against discrimination affecting LGBT+ people.

Beginning in 2011, the government facilitated the travel of hundreds of ethnic Abkhaz, Aдыгhe, and Circassian people from Syria to Abkhazia. Most of them reportedly soon left the region due to local economic problems, but a small number still lived in the territory at the end of 2021. Although all refugees were granted Abkhaz passports, they have maintained a distinct status as "repatriates" and still receive a monthly stipend from the government.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Freedom of movement is limited by the ongoing dispute over Abkhazia's status. Travel permits remain expensive and burdensome to obtain. More than 70 percent of Abkhazia's residents hold Russian passports, as Abkhaz travel documents are not internationally recognized.

Crossings between Georgian-controlled territory and Abkhazia that had been closed in March 2020 reopened in February 2021 for the elderly, the poor, and people with health problems. In July, the crossings reopened for all other categories. Abkhazian authorities claimed that the closures had been necessary to prevent the spread of the coronavirus; the crossings were opened for short periods during 2020 to allow essential travel and the return of local residents. Abkhazia's border with Russia remained open throughout 2021.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Criminal activity hampers the operations of local businesses. The constitution forbids foreigners, including Russians, from buying real estate in Abkhazia, a rule that has broad support in Abkhazian society. Uncertainty persists regarding property rights for ethnic Georgians in Gali, whose residency permits do not allow them to officially own or inherit property. The legal status of properties whose owners were expelled from Abkhazia during the 1990s is also unclear, as displaced people cannot return to claim them.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal freedoms are somewhat inhibited by conservative social mores and societal disapproval of certain identities and behavior, including “nontraditional” sexual orientations and gender nonconformity. A 2016 law banned abortions in all circumstances apart from prior fetal death. In July 2021, the human rights commissioner filed an official request for the Constitutional Court to rule on the constitutionality of the law.

NGOs have expressed concern about so-called honor killings of young women accused of moral transgressions. Domestic violence and rape are serious problems, and victims lack access to effective aid. There is no specific law to address domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Equality of opportunity is limited by Abkhazia’s international isolation, as well as by corruption and criminality. In recent years, Russian and other foreign businessmen complained that criminal activity and arbitrary expropriations severely impaired their ability to work and invest in the territory. NGOs have expressed concern about human trafficking in Abkhazia.

Crimea*

Population: 2,350,000

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: In early 2014, Russian forces invaded the autonomous Ukrainian region of Crimea and quickly annexed it to the Russian Federation through a referendum that was widely condemned for violating international law. The occupation government severely limits political and civil rights, has silenced independent media, and employs antiterrorism and other laws against political dissidents. Many Ukrainians have been deported from or otherwise compelled to leave Crimea. Members of the Indigenous Crimean Tatar minority, many of whom continue to vocally oppose the Russian occupation, have faced acute repression by the authorities.

KEY DEVELOPMENTS IN 2021

- A draft UN General Assembly resolution distributed in October noted continued rights abuses in Crimea, including the use of Russian military courts to try
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Crimeans and the provision of basic military training for schoolchildren in the territory. The body passed a resolution on human rights in Crimea in mid-December.

- In September, Nariman Dzhelialov, the first deputy chairman of the Mejlis—the representative body of the Crimean Tatar community—was detained along with four other people over an alleged sabotage plot. While two of the detainees were released by mid-September, Dzhelialov remained in detention at year’s end.
- In January, supporters of Russian opposition figure Aleksey Navalny rallied in Sevastopol and Simferopol after Navalny was arrested in Russia. Authorities detained participants in at least one Sevastopol rally and two Simferopol rallies.

POLITICAL RIGHTS: -2 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the administrative system established by Russia, the Crimean Peninsula is divided into the Republic of Crimea and the federal city of Sevastopol, a port of nearly 437,000 residents. Sevastopol’s political institutions largely mirror those of Crimea proper.

The head of the Republic of Crimea is elected by its legislature, the State Council of Crimea, for up to two consecutive five-year terms. Lawmakers choose the leader based on a list of nominees prepared by the Russian president. In October 2014, the legislature unanimously elected Sergey Aksyonov as the head of the republic in a process that did not conform to democratic standards. (Aksyonov had led Crimea since February 2014, when a group of armed men forced legislators to elect him prime minister at gunpoint.) He was unanimously reelected in 2019.

An Organization for Security and Co-operation in Europe (OSCE) election monitoring mission noted that polling for Ukraine’s presidential election, held in two rounds in March and April 2019, could not be organized in Crimea.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The State Council consists of 75 members elected to five-year terms. Two-thirds of the members are elected by party list and one-third in single-member districts. Legislative elections in 2014 under the Russian-organized Crimean constitution were contested exclusively by candidates who backed the Russian occupation, and Ukrainian parties were banned. Conditions for the September 2019 elections were similar, though the ruling party in Russia, United Russia, lost some support, and won 60 seats, down from 70 previously. The ultranationalist Liberal Democratic Party of Russia secured 10 seats, and the Communist Party won 5.

OSCE election monitors noted that polling for the 2019 Ukrainian parliamentary election could not be organized in Crimea, leaving 12 single-member districts vacant. Crimeans were similarly unable to participate in Ukraine’s October 2020 local elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The Russian occupation authorities have tailored the electoral system to ensure maximum control by Moscow. Legislators electing the chief executive are limited to candidates chosen by the Russian president. In the legislative elections, legitimate opposition forces are denied registration before the voting begins, leaving voters with the choice of either abstaining or endorsing pro-Russian candidates.

Russian elections have been held in Crimea since its 2014 annexation, with residents voting in the 2016 and 2021 State Duma elections, the 2018 presidential election, and the 2020 referendum on extending term limits for the Russian president.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Ukrainian political parties are banned, allowing United Russia and other Kremlin-approved factions to dominate the political system. The Russian Federal Security Service (FSB), local police, and pro-Russian “self-defense” units use intimidation and harassment to suppress any political mobilization against the current government or the annexation of Crimea.

As in Russia, the authorities in the territory consistently crack down on opposition political activity. Crimean Tatars have continued to voice dissent and openly oppose the Russian occupation, but they risk harassment, arrest, and imprisonment for their actions. Other opposition figures experience intimidation and police surveillance. In 2019, Yevgeniy Karakashev, an opposition political activist, was convicted on terrorism charges by a Russian court and sentenced to six years in a penal colony. In March 2021, pro-Ukraine activist Oleh Prykhodko was convicted on terrorism charges and sentenced to five years in a penal colony.

Supporters of Russian opposition figure Aleksey Navalny were also targeted by the occupation government. Participants at January 2021 rallies held in Sevastopol and Simferopol were detained by authorities.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Because Ukrainian political parties are not allowed to compete in elections and Russia tightly controls the political and electoral systems, there is no opportunity for a genuine political opposition to form, compete, or take power in Crimea.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Chief executive Sergey Aksyonov was originally installed by Russian security forces, and subsequent elections have been carefully controlled by the Russian government, which pressures citizens to vote. Among other abuses, during the 2018 Russian presidential election and 2019 local elections, public employees were threatened with termination if they did not vote. During the 2021 State Duma elections, school principals were expected to pressure their subordinates to register to vote and to vote for United Russia.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Occupation authorities deny full political rights to all Crimea residents, but Crimean Tatars and ethnic Ukrainians are regarded with particular suspicion and face greater persecution than do ethnic Russians.

The headquarters of the Mejlis, the Crimean Tatars’ representative body, was closed by the authorities in 2014. The Mejlis’s incumbent chairman, Refat Chubarov, and Crimean Tatar leader Mustafa Dzhemilev have since been banned from the territory. The Mejlis was officially banned by Crimea’s Supreme Court in 2016. In June 2021, Chubarov was convicted of organizing riots for participating in a 2014 demonstration and was sentenced in absentia to six years’ imprisonment in a penal colony. Dzhemilev, meanwhile, was charged

with “illegally crossing the state border of the Russian Federation” in 2020. That case was ongoing at the end of 2021. In September 2021, Mejlis first deputy chairman Nariman Dzhelialov was one of five people arrested for allegedly planning to sabotage a gas pipeline near Simferopol in August. Two of the five were released by mid-September, though Dzhelialov and two others remained in custody. In late October, a court extended Dzhelialov’s detention into January 2022.

The prohibition on Ukrainian political parties leaves ethnic Ukrainians with limited options for meaningful representation.

Women formally have equal political rights, but they remain underrepresented in leadership positions in practice, and government officials demonstrate little interest in or understanding of gender-equality issues. After the September 2019 election, women held 21 percent of the seats in the State Council.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

All major policy decisions are made in Moscow and executed by Russian president Putin’s representatives in Crimea or the local authorities, who were not freely elected and are beholden to the Kremlin.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is widespread in Crimea and occurs at the highest levels of government. Generally, efforts to investigate and prosecute corruption are inadequate. Some elements of the Russian-backed leadership, including Aksyonov, reputedly have ties to organized crime. In recent years, the Russian FSB has arrested a number of Crimean officials as part of an ostensible antigraft campaign; many of the arrests were related to allegations that local authorities embezzled Russian funds meant to support the occupation. However, some have also been linked to infighting between Crimean and Russian officials over control of the peninsula’s assets.

In September 2021, Crimean deputy prime minister Yevgeny Kabanov was dismissed from his post and was detained on corruption-related charges.

C3. Does the government operate with openness and transparency? 0 / 4

With strict controls on the media and few other means of holding officials accountable, residents struggle to obtain information about the functioning of their government. Budget processes are opaque, and input from civil society, which is itself subject to tight restrictions, is limited.

Authorities are similarly opaque about the COVID-19 pandemic. In late 2020, Crimean health-care workers warned that the occupation authorities underreported pandemic-related deaths. Former Mejlis chairman Chubarov claimed that Russian authorities withheld pandemic-related information and that health-care services in Sevastopol had been overwhelmed.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0

Since the occupation began, the Russian government has taken decisive steps to solidify ethnic Russian domination of the peninsula and marginalize the Ukrainian and Crimean Tatar communities. The elimination of the Ukrainian language from school curriculums and

the closure of most Ukrainian Orthodox churches since 2014 are indicative of this attempt to Russify the population.

Russian and local pro-Russian officials' policies and actions in Crimea have led to an influx of hundreds of thousands of people from Russia, including Russian troops, civilian personnel, and their families. People displaced by fighting and deprivation in eastern Ukraine—home to many ethnic Russians—have also come to Crimea. Ukrainian citizens from Crimea have been drafted into compulsory military service in the Russian armed forces, in contravention of international law. By 2021, more than 34,000 Crimeans had been drafted into the Russian military, with many of them forced to serve far from Crimea.

Meanwhile, political persecution has led to an outflow of ethnic Ukrainians and Crimean Tatars. Russia instituted a policy of mass Russian naturalization for all residents of Crimea in 2014, in violation of international law. Once the policy was enacted, Crimeans had only 18 days to opt out of Russian citizenship. Ukrainian citizens, many of them long-term residents with immediate family on the peninsula, continue to be deported from Crimea, often for opting out of Russian citizenship.

CIVIL LIBERTIES: 9 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

Media freedom is severely curtailed in Crimea. In addition to other restrictive Russian laws, a penal code provision prescribes imprisonment for public calls for action against Russia's territorial integrity, which has been interpreted to ban statements against the annexation, including in the media.

Journalists in Crimea risk harassment, arrest, and imprisonment for carrying out their work. In 2019, Crimean Tatar citizen journalist Nariman Memedeminov was handed a two-and-a-half-year prison sentence over YouTube videos he posted in 2013 about Hizb ut-Tahrir, a pan-Islamist movement that seeks to establish a caliphate but does not advocate violent methods to achieve it. Hizb ut-Tahrir operates legally in Ukraine but is designated as a terrorist group in Russia. Memedeminov's YouTube channel has also covered abuses against Crimean Tatars. Memedeminov was released from a Russian prison in September 2020. That December, a territorial court handed Lenur Islyamov, owner of Crimean Tatar television station ATR, a 19-year prison sentence in absentia on charges including "sabotage."

In March 2021, Vladislav Yesypenko, a freelance journalist associated with Radio Free Europe/Radio Liberty (RFE/RL), was arrested on charges of possessing an explosive device and espionage. Yesypenko, who was reportedly tortured by authorities, remained in custody as of mid-December.

In April 2021, Bekir Mamutov, editor in chief of Crimean Tatar newspaper *Qirim*, was fined for disseminating "information about a banned organization." In October 2020, *Qirim* published an article referring to a UN report on human rights in Crimea which mentioned the Mejlis; the article did not mention that the body was banned in Russia.

Independent and pro-Ukraine media outlets do not openly function on the peninsula. A 2015 reregistration process overseen by the Russian media and telecommunications regulator Roskomnadzor effectively reduced the number of media outlets in Crimea by more than 90 percent. The occupation authorities have cut Crimea off from access to Ukrainian television, and Crimean internet service providers must operate under draconian Russian media laws. Russian authorities continued to block a number of Ukrainian news sites and interfered with Ukrainian radio signals by transmitting Russian programming on the same frequencies in 2021.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

The occupation authorities forced religious organizations to reregister under new rules, sharply reducing the number of registered groups. All 22 Jehovah's Witnesses congregations were deregistered after the Russian Supreme Court ruled in 2017 that the group had violated laws against extremism. In 2020, authorities began issuing prison sentences to adherents for their activity. As of late December 2021, five Jehovah's Witnesses were imprisoned, while seven were under house arrest and nine faced restrictions on their movement.

Mosques associated with Crimean Tatars have been denied permission to register, and Muslims have faced legal discrimination. In August 2021, a Russian military court issued prison sentences to four Crimean Tatars for their alleged Hizb ut-Tahrir membership. The same court issued sentences to another four defendants for their alleged membership in October. A December 2021 report from the Crimean Human Rights Group (KPH) counted the detention of 79 individuals accused of membership in Muslim organizations deemed "terrorist" or "extremist" in nature.

Occupation authorities have confiscated numerous properties in Crimea from the Orthodox Church of Ukraine (OCU). In 2019, a de facto court nullified a prominent Simferopol cathedral's lease with Ukrainian authorities; it was the last cathedral in Crimea to have maintained an affiliation with the Ukrainian church authorities. In 2020, authorities ordered the demolition of an OCU structure in Yevpatoria. In August 2021, a territorial court fined an OCU archbishop after he held religious services in a cathedral in the village of Balki.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Schools must use the Russian state curriculum. Schoolchildren in Crimea are exposed to Russian military propaganda. Some schoolchildren have received basic military training in recent years. The October 2021 text of a UN General Assembly draft resolution on human rights in Crimea noted the continuation of these trends.

Instruction in the Ukrainian language has been almost completely eliminated. In a 2017 ruling, the International Court of Justice ordered Russia to ensure the availability of education in Ukrainian, but the authorities did not comply with this order. Access to education in the Crimean Tatar language has been more stable, declining only slightly since 2014.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The FSB reportedly encourages residents to inform on individuals who express opposition to the annexation, and a climate of fear and intimidation seriously inhibits private discussion of political matters. Social media comments are reportedly monitored by authorities. The FSB frequently opens criminal cases against those who criticize the occupation and the oppression of Crimean Tatars.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly is severely restricted. Public events cannot proceed without permission from the authorities, and the Crimean government lists only 366 locations where they can be held. Permission to hold demonstrations is frequently denied, and when protests do proceed, participants are often arrested. Authorities have at times handed activists advance warning notes threatening them with administrative or criminal prosecution for holding events. Crimean Tatar activists have been known to receive such notes before the

anniversary of the Stalin-era mass deportations and Crimean Tatar Flag Day. Authorities further restricted public gatherings beginning in 2020 in response to the COVID-19 pandemic. These restrictions are selectively enforced.

Supporters of Aleksey Navalny held rallies in Sevastopol and Simferopol after Navalny was arrested in Russia in January 2021. Authorities detained 13 people after a January 23 event in Sevastopol. At least 16 people were detained at a Simferopol rally on January 23, while another 7 were detained during a January 31 rally there.

In September 2021, authorities, including at least one man in a Russian police uniform, used Russian COVID-19 restrictions to detain 53 people in front of an FSB office in Simferopol; some of them were relatives of Crimean Tatars who had been detained earlier that month on sabotage charges.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The de facto authorities, including the FSB, repress all independent political and civic organizations. Nongovernmental organizations (NGOs) are subject to harsh Russian laws that enable state interference and obstruct foreign funding. NGO leaders are regularly harassed and arrested for their activities.

In 2020, Server Mustafayev, a coordinator for NGO Crimean Solidarity, was sentenced to 14 years' imprisonment in a Russian penal colony for his alleged ties to Hizb ut-Tahrir. In November 2021, Crimean Solidarity coordinator Diliaver Memetov was detained in front of a court building. Memetov was placed under administrative arrest for 12 days.

In August 2021, activist Ludvika Papadopulu was placed under house arrest for a month after being charged with libel under the Russian criminal code. Papadopulu's home had been searched in February in connection with a social media post that his lawyer said he did not author.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade union rights are formally protected under Russian law but limited in practice. As in both Ukraine and Russia, employers are often able to engage in antiunion discrimination and violate collective-bargaining rights. Pro-Russian authorities have threatened to nationalize property owned by labor unions in Crimea.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

Under Moscow's rule, Crimea is subject to the Russian judicial system, which lacks independence and is effectively dominated by the executive branch. Russian laws bar dual citizenship for public officials, and Crimean judges were required to obtain Russian citizenship in order to retain their positions after the annexation.

In recent years, Russian judges have been transferred to from Russia to work in Crimea. These judges regularly hand down politically motivated judgments against residents who oppose the annexation.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Russian authorities replaced Ukrainian laws with those of the Russian Federation. In 2020, Russian president Putin enacted criminal code amendments allowing for harsher punishments against those accused of "violating" or "alienating" Russian territorial integrity.

Many detainees and prisoners are transferred from occupied Crimea to Russia, in violation of international law. The October 2021 draft text of a UN General Assembly

resolution noted that Crimean residents continue to face trial in military courts located in Russia proper.

Arbitrary arrests and detentions, harsh interrogation tactics, falsification of evidence, pressure to waive legal counsel, and unfair trials are common. A 2020 Office of the United Nations High Commissioner for Human Rights (OHCHR) report noted that prosecutors are heavily favored in military court proceedings, and separately noted that state-appointed defense lawyers participating in cases in Crimea were often ineffective.

The ability to attend court hearings as a spectator can be limited by authorities. Attendees of open-court hearings regarding cases against Crimean Tatars were detained on several occasions in October and November 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The Russian occupation authorities commonly engage in torture of detainees and other abuses. A 2020 OHCHR report noted accounts of “mock executions, beatings, electric shocks, and sexual violence.” Victims of torture have little legal recourse, allowing security forces to act with impunity. A 2020 KPH report noted that few references to violence committed by officials appeared in the territory’s court records.

In September 2021, Asan Akhtemov, who was accused of sabotage along with Nariman Dzhelialov, was tortured until he agreed to confess. A November OHCHR report noted that three of the five detainees in that incident were subjected to torture or ill-treatment.

Detention centers are often overcrowded and unhygienic, and detainees do not consistently receive medical attention.

The work of lawyers to protect clients from illegal actions by the police or FSB is limited. In October 2021, lawyer Edem Semedliaev was arrested while visiting clients detained in a Simferopol police station. In November, a Simferopol court sentenced him to 12 days’ administrative detention and issued a fine for “disobeying the lawful orders of a police officer.”

Ongoing Russian-Ukrainian tensions threaten Crimea’s security. In 2018, Russian forces attacked and seized three Ukrainian naval vessels in the Black Sea near Crimea as they attempted to enter the Sea of Azov through the Kerch Strait. Russia then took the 24 Ukrainian military personnel on board into custody; they were released in 2019 as part of a prisoner swap, several months after the International Tribunal for the Law of the Sea ordered their release. Russia continues to conduct large-scale war exercises in Crimea.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

In addition to official discrimination and harassment against ethnic Ukrainians and Crimean Tatars, women face de facto discrimination in the workplace, and the legal situation for LGBT+ people has worsened under the Russian occupation. After 2014, Crimea became subject to Russia’s 2013 law banning dissemination of information that promotes “nontraditional sexual relationships,” which tightly restricts the activities of LGBT+ people and organizations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The occupation authorities have sought to compel Crimea’s residents to accept Russian citizenship and surrender their Ukrainian passports. Those who fail to do so face the

threat of dismissal from employment, loss of property rights, inability to travel to mainland Ukraine and elsewhere, and eventual deportation as foreigners.

As many as 4,700 people have been forcibly deported since the beginning of the occupation; half of the deportees are Ukrainian citizens, while citizens of another 37 countries and stateless persons represent the remainder.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights are poorly protected, and the Russian annexation has resulted in a redistribution of assets in favor of Russian and pro-Russian entities. After the occupation, the properties of many Ukrainian companies were seized by Russian authorities. In 2018, a court in The Hague ordered Russia to pay \$159 million to Ukrainian companies that had their property confiscated. The properties of Crimean Tatars who returned in the 1990s—after a Soviet-era mass deportation—and built houses without permits are also vulnerable to seizure by Russian authorities.

In 2020, Putin signed an edict banning foreign individuals from owning coastal land in the territory; the edict also included new restrictions on property rights which do not apply for Crimean residents holding Russian passports. The edict took effect in late March 2021.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a serious problem in Crimea, and Russian laws do not offer strong protections. In 2017, Putin signed legislation that partly decriminalized domestic abuse in Russia, prescribing only small fines and short administrative detention for acts that do not cause serious injuries. Russian law does not recognize same-sex marriage or civil unions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Economic opportunity has been limited since the occupation due to international sanctions, restrictions on trade via mainland Ukraine, and reliance on trade with Russia. Pollution problems in Crimea are associated with sulfur dioxide emitted from a chemical factory, which led to the evacuation of over 4,000 children in the town of Armyansk in 2018. Residents' access to goods and services remains constrained, and vital industries like tourism and agriculture have stagnated.

As in both Ukraine and Russia, migrant workers, women, and children are vulnerable to trafficking for the purposes of forced labor or sexual exploitation.

Eastern Donbas*

Population: 2,000,000 (estimated)

Freedom Status: Not Free

Note: The numerical scores and status listed here do not reflect conditions in either government-controlled Ukraine or Crimea, which are examined in separate reports. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including

boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Eastern Donbas comprises the portions of Ukraine’s Donetsk and Luhansk regions that have been occupied by Russian and Russian-backed separatist forces since 2014. It covers about a third of the two regions’ territory and was home to more than half of their prewar population of roughly 6.5 million people, though the current population cannot be determined with precision. Local authority lies in the hands of the so-called People’s Republics of Donetsk and Luhansk (DNR and LNR, respectively), which claim to be independent states but are not recognized by any country, including Russia. Both are entirely dependent on Moscow for financial and military support, and their leaders have openly proposed joining the Russian Federation. Politics within the territories are tightly controlled by the security services, leaving no room for meaningful opposition. Local media are also under severe restrictions, and social media users have been arrested for critical posts. The rule of law and civil liberties in general are not respected.

KEY DEVELOPMENTS IN 2021

- Russia’s policies towards Donbas focused on political “integration,” amounting in practice to Russification and creeping annexation more than ever before. By the year’s midpoint, Russia had issued more than half a million passports to Ukrainian nationals residing in the occupied areas, and invited them to vote in Russia’s tightly controlled parliamentary elections in September.
- The coronavirus pandemic had severe consequences for both public health and the economy. Promises by separatist leaders that Russia would ship enough vaccine to achieve herd immunity by the end of the year were not fulfilled and COVID death-rates soared in the fall, as the delta variant swept across the open border from Russia.
- Crossing points with government-controlled Ukraine remained closed, making it very hard for pensioners to pick up state payments in government-controlled areas. Aid shipments from the United Nations and the International Committee of the Red Cross (ICRC) were delivered, while Russian aid was massively reduced.

POLITICAL RIGHTS: –1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the two separatist entities’ constitutions, executive authority is exercised by a directly elected “head of the republic,” who appoints a prime minister and cabinet with the consent of the legislature.

The winners of the deeply uncompetitive and fraudulent leadership elections in November 2018 remained in place during the year. Both Donetsk leader Denis Pushilin and Luhansk leader Leonid Pasechnik are believed to be widely unpopular but sufficiently loyal to Moscow.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The DNR and LNR constitutions call for “People’s Councils” of 100 and 50 seats, respectively. Legislative elections in November 2018 were held under the same flawed conditions as the concurrent leadership elections, with no meaningful competition permitted. Both

entities feature only two authorized political “movements.” In the DNR, the ruling Donetsk Republic movement was credited with 72.5 percent of the vote, while Peace for Luhansk took 74.1 percent in the LNR. The remaining seats went to the two secondary and equally loyal movements, Free Donbas and the Luhansk Economic Union.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The separatist electoral authorities implemented their entities’ laws and regulations arbitrarily in 2018, allegedly manipulating the declared election results and using technicalities to exclude unapproved challengers who might be capable of attracting support. For example, the DNR election commission approved each of the officially sanctioned candidates’ lists of signatures, but it rejected the list submitted by separatist businessman Pavel Gubarev on the grounds that it contained fake signatures.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The separatist entities feature political duopolies, with both officially sanctioned parties supporting roughly the same policy agenda. Any other political organizations, even if they are also pro-Russian in orientation, are effectively banned. The Communist Party, for instance, has been denied registration in occupied Donetsk.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The run-up to the 2018 elections showed that meaningful competition, even within the pro-Russian separatist movement, is not tolerated. And while a few dissident separatists have been rehabilitated, those who criticize the current leadership, like former Donetsk separatist figures Pavel Gubarev and Andrei Purgin, remained sidelined.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Russia has established a complex albeit opaque web of control over the “People’s Republics” that affects all aspects of daily life, including political affairs. Local media, schools and universities, public services, and business structures are dominated by people loyal to the separatist leadership. While many of them are locals, some key positions are held by Russian citizens. Political control is ultimately enforced by the secretive “state security” ministries of the two entities, which are thought to be directed by Russia’s Federal Security Service (FSB). The military formations known as “people’s militias,” which have tens of thousands of men under arms, are believed to be commanded by regular Russian military officers.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

While the republics’ constitutions guarantee equal rights regardless of ethnicity, race, or religious beliefs, in practice ethnic and religious groups not affiliated with Russia are excluded from politics, and no segment of society is able to organize independently to advocate for its interests in the political sphere. Professing pro-Ukrainian sentiment is outright dangerous.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

None of the separatist officials in Donbas are freely elected, and their de facto governments operate with extreme opacity, making it difficult to discern how much autonomy they have in practice vis-à-vis the Russian government. However, there are numerous indications that major policy decisions are made in Moscow rather than in Donetsk or Luhansk. This is discernible when both “republics” announce similar decisions without any prior deliberation—including, recently, the organization of the Russian Duma elections in September 2021.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is thought to be widespread in occupied Donetsk and Luhansk, and there are no effective mechanisms in place to combat it. While separatist authorities regularly report arrests among customs and police officials, there is no evidence that corruption is effectively curtailed.

C3. Does the government operate with openness and transparency? 0 / 4

A persistent lack of transparency in all spheres of public life is an overarching feature of both separatist regimes. Levels of secrecy have steadily increased over past years. In 2021, DNR authorities drafted a bill that would further restrict the publication of basic statistical data, citing “information security.” Both “republics” continued the practice of communicating the removal of cabinet members simply by presenting successors without explanation or public discussion.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION**Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0**

Professing Ukrainian identity in the separatist-controlled areas of Donbas is considered dangerous, and most residents who identified as Ukrainian have left since 2014. Both entities have abolished official-language status for Ukrainian, making Russian the sole official language. School and university curricula are gradually being brought in line with those used in the Russian Federation.

CIVIL LIBERTIES: 5 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16****D1. Are there free and independent media? 0 / 4**

No free and independent media have operated in the occupied Donbas since 2014 and the local media landscape remains firmly in the hands of “official” DNR and LNR broadcasters, websites, and print media. Separatist outlets largely republish information and quotes from separatist and Russian officials. Reports about the armed conflict are exclusively based on statements from separatist militias, who blame the Ukrainian side for every cease-fire violation. Coverage of government-controlled Ukraine is almost always negative, whereas reporting on the “Republics” is fawningly positive.

Pro-Ukrainian bloggers and journalists have been silenced by long prison sentences and eventual deportation to government-controlled Ukraine during prisoner exchanges. Pro-Russian bloggers critical of the separatist leadership operate anonymously and under the constant threat of detention and imprisonment.

Ukrainian journalists generally do not enter the DNR and LNR for safety reasons, and most foreign media remain subject to extremely restrictive accreditation policies, meaning that they are practically barred from reporting.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Although both the DNR and LNR guarantee freedom of religion in their constitutions, adherents of faiths not affiliated with the Russian Orthodox Church remain subject to persecution. The most severely affected are Jehovah's Witnesses, who in 2018 were banned completely as an extremist organization and had their properties seized. Since that year, a mandatory reregistration process has left many groups without recognition, and raids or other pressure have been directed at Baptists, members of the Orthodox Church of the Kyiv Patriarchate, the Greek Catholic Church, and some Muslim communities. Most members of religious minorities, including Roman Catholics and Jews, are thought to have left the separatist-held areas since 2014.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Local universities were brought under separatist control in 2014. Some, like Donetsk National University, split into two rival institutions, with one established in government-controlled territory and the other run by separatist authorities at the old location. Political indoctrination is rampant in the occupied areas; high schools were forced to switch to Russian standards in September 2020, having previously introduced new curricula with revised history lessons and reduced Ukrainian-language instruction.

Political indoctrination is targeted at the younger generation. Both republics set up militarized youth organizations for this purpose. Membership in the Young Guards–Yunarmia is open from 8 years onward, prompting allegations of a children's army.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Any public expression of criticism is highly risky and private citizens' online activities are monitored. In June 2021, Donetsk-based pro-Russian commentator Roman Manekin was apparently sentenced to 2.5 years in jail for "justifying terrorism." Manekin, who regularly criticized the local leadership on social media, had been in detention since December 2020. Testimony from former prisoners about torture and abuse in custody also serves to deter free expression.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

The de facto authorities have not tolerated any protests in the separatist-held areas since 2014, when most pro-Ukrainian activists fled. Rare attempts to hold rallies, as last happened during a miners' strike in 2020, are usually quickly thwarted by agents of the self-proclaimed state security ministries.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Independent nongovernmental organizations (NGOs) are not permitted to operate. The last independent NGO in the separatist-held areas, the Responsible Citizens volunteer

group, stopped functioning in 2016 when several of its leaders were forcibly deported to government-controlled Ukraine. Foreign organizations like the Czech organization People in Need were also expelled. The only remaining international organizations are the ICRC, UN agencies, and the Organization for Security and Co-operation in Europe (OSCE).

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

The DNR and LNR have official trade union federations, and both are headed by separatist lawmakers who defer to the local leadership. The officially sanctioned unions' purpose is to rally workers' support for separatist authorities, rather than to defend their labor rights. In 2020, for example, LNR miners' union leaders supported the "restructuring" of 56 mines, a process that came with significant wage and job losses.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

There are no signs of judicial independence in the two separatist entities. Courts routinely hand down lengthy prison sentences against alleged Ukrainian agents and other perceived enemies of the local authorities, validating spurious charges regardless of the evidence. The work of the judiciary is entirely opaque, as outside observers are not known to have attended court hearings.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Basic due process guarantees are not observed by separatist authorities or affiliated armed groups. Arbitrary arrests and detentions remain common, and interrogators have reportedly used force and torture to extract confessions. The UN Human Rights Monitoring Mission in Ukraine said in a September 2020 report that interviews with released prisoners "confirmed patterns of torture and ill-treatment."

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Violence between Russian-backed separatist forces and the Ukrainian military worsened in 2021, as a new ceasefire brokered in 2020 was increasingly disregarded. More than 13,000 people have been killed since the conflict began in April 2014, including more than 3,350 civilians, according to the most recent figures (issued in 2020) from the Office of the UN High Commissioner for Human Rights (OHCHR). The OSCE Monitoring Mission recorded 88 civilian casualties between January and mid-December 2021: 16 fatalities and 72 injuries. The OHCHR has condemned the lack of institutional mechanisms to prevent and punish enforced disappearances.

There have been numerous reports of abuse, sexual violence, and torture in separatist prisons and detention centers. The self-proclaimed state security ministries of both entities regularly publish videos in which detainees confess to spying and other forms of subversive activity while showing signs of physical abuse or severe psychological pressure.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The deeply flawed legal system operating in the occupied regions offers little recourse for women facing gender-based discrimination, and the basic rights of LGBT+ people are not recognized. In 2018, two Russian transgender activists traveled to Donetsk with the aim of carrying out an art performance in support of such rights. They were quickly arrested and expelled.

In addition to the prevailing hostility toward Ukrainian ethnic identity, there are no provisions to protect the separatist-held areas' other ethnic minority groups—such as Greeks, Azerbaijanis and Armenians—from discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Travel restrictions between the separatist-held areas and government-controlled Ukraine deteriorated severely during the COVID-19-pandemic. All five crossing points remained largely closed for much of 2021, opening only with severe restrictions. The DNR allowed only previously approved individuals to enter, while the LNR allowed individuals to exit only once per month. Crossings between the two remained closed for the first half of 2021. Most of those affected were the more than one million old-age pensioners, who can no longer travel directly to government-controlled Ukraine to pick up state payments. Travel to and from Russia remained less impeded, but senior separatist officials must still inform their leaders before leaving the territories.

The Russian government's distribution of Russian passports to residents of the occupied territories continued in 2021, and the number of issued passports exceeded 600,000 by the summer. An intensifying campaign against the Ukrainian language and identity has raised fears that Ukrainian passport holders will face increasing difficulties in the future.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The separatist authorities continue to ignore property rights. In 2021, faced with massive wage arrears and mounting debt, the de facto authorities announced the disbanding of Vneshtorgservis, the secretive holding company that operated plants confiscated from private Ukrainian companies. They announced that the factories would be run by a little-known Russian investor. There have been numerous reports of other property seizures, including the expropriation of apartments whose lawful owners have fled.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence is a serious problem, and both separatist entities have taken nominal steps to improve the protection of women and children. However, the loss of Ukrainian government and NGO services has negatively affected conditions for victims. Neither separatist entity recognizes same-sex marriage. A report published in 2016 found drastic worsening of the environment for LGBT+ and transgender people, but there has been little information since.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Economic opportunity is impaired by the ongoing conflict, trade barriers with government-controlled Ukraine, international sanctions, and the concentration of wealth and resources in the hands of Russian- and separatist-affiliated elites. Many residents are dependent on humanitarian assistance. Exploitative working conditions, including low or unpaid wages, have been reported even by separatist-controlled media. Separatist forces have allegedly trained and enlisted minors for participation in armed conflict.

Gaza Strip

Population: 2,000,000

Freedom Status: Not Free

Note: Prior to its 2011 edition, *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: The political rights and civil liberties of Gaza Strip residents are severely constrained. Israel's de facto blockade of the territory, periodic military incursions, and rule-of-law violations have imposed serious hardship on the civilian population, as has Egypt's tight control over the southern border. The Palestinian political and militant group known as Hamas, or the Islamic Resistance Movement, gained control of the Gaza Strip in 2007, following its victory in the preceding year's legislative elections and a subsequent conflict with Fatah, the ruling party in the West Bank. The entrenched division between Hamas and the Fatah-led Palestinian Authority (PA) since then has contributed to legal confusion and repeated postponement of elections, which have not been held in the Gaza Strip since 2006.

KEY DEVELOPMENTS IN 2021

- Regionally sponsored talks aimed at bridging the divide between Hamas and Fatah broke down after the PA announced in April that Palestinian legislative elections scheduled for May and a presidential election scheduled for July would be indefinitely postponed.
- PA president Mahmoud Abbas scheduled municipal elections for December, but they proceeded only in the West Bank, with Hamas boycotting the process and insisting on comprehensive legislative, presidential, and municipal elections.
- In May, after protests over the threatened eviction of Palestinian families in East Jerusalem prompted Hamas to fire rockets into Israel, Israeli forces launched a campaign of air strikes in the Gaza Strip. The offensive, which ended with a ceasefire after 11 days, killed about 250 Palestinians, including scores of civilians.
- The population continued to suffer during the year from the Israeli-imposed blockade, conflict-related destruction, high levels of poverty, unemployment, and food insecurity, and the COVID-19 pandemic. As of the end of December 2021, the Gaza Strip had accumulated some 190,000 confirmed cases of the coronavirus and more than 1,700 deaths, with less than a third of the population fully vaccinated.

POLITICAL RIGHTS: 3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The PA has not held a presidential election since 2005, when the Fatah faction's Mahmoud Abbas won with 62 percent of the vote. Following its win in 2006 legislative elections

and a violent rift with Fatah and the West Bank-based PA in 2007, Hamas seized control of the Gaza Strip. Abbas's four-year electoral mandate expired in 2009, though he has continued to govern in the West Bank.

In January 2021, following negotiations with Hamas, Abbas announced that a presidential election would be held in July, following legislative elections in May, but he indefinitely postponed the entire election process in April, citing Israel's refusal to allow PA election activity in East Jerusalem. Many analysts argued that the elections were actually halted because political fragmentation within Fatah raised the risk that Hamas or Fatah splinter groups would win.

Under PA laws, the prime minister is nominated by the president and requires the support of the Palestinian Legislative Council (PLC). Hamas leader Ismail Haniyeh was nominated and sworn in as prime minister following the 2006 elections, and again in 2007 as part of a short-lived unity government, but he was dismissed by President Abbas after the Fatah-Hamas conflict that year. Hamas did not recognize the dismissal. Because repeated attempts to form new PA unity governments have failed, Hamas has continued to exercise de facto executive authority in the territory. The chief of Hamas in the Gaza Strip, Yahya Sinwar, was confirmed for a second term as de facto head of government in a closed election by Hamas leadership in March 2021; he had first been chosen in 2017. Ismail Haniyeh was similarly confirmed as the overall leader of Hamas for a second four-year term in August.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The PA has not held elections for the 132-seat PLC since 2006, when Hamas won 74 seats and Fatah took 45. The subsequent Fatah-Hamas schism and Israel's detention of many lawmakers left the full PLC unable to function, and the body's electoral mandate expired in 2010. Nonetheless, a Hamas-led rump legislature continued to operate in the Gaza Strip. In 2018, President Abbas ordered the formal dissolution of the PLC, backed by a Supreme Constitutional Court ruling that also called for legislative elections within six months. Hamas rejected the decision.

In January 2021, alongside his announcement that a presidential election would be held in July, Abbas called PLC elections for May. However, he canceled both sets of elections in April, and no new date was set, leaving Gaza residents without an elected legislature for another year.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

No open elections for any office have been held in Gaza since 2006. Decisions about the conduct and administration of elections are highly politicized and dependent on agreements between partisan factions. For example, Hamas refused to participate in the 2017 PA municipal elections, which had been postponed from the previous year amid disputes between Hamas and Fatah over candidate lists. PA municipal voting was held again in the West Bank in December 2021, with a second round set for early 2022, but Hamas did not allow the elections to proceed in the Gaza Strip, insisting that it would participate only in comprehensive legislative, presidential, and municipal elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Since 2007, the Gaza Strip has functioned as a de facto one-party state under Hamas rule, although smaller parties—including Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and a faction of Fatah that opposes President Abbas—are tolerated to varying degrees. Some of these groups have their own armed wings and media outlets, and hold rallies and gatherings. However, those affiliated with Abbas and his supporters in Fatah are subject to persecution.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The repeated postponement of elections, despite opinion polls showing strong public demand for presidential and legislative balloting, has prevented any opportunities for a change in the political status quo. The ongoing rift between Fatah and Hamas has also prevented municipal elections in the Gaza Strip that might give non-Hamas factions an opportunity to govern at the local level.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

Israel's ongoing blockade of Gaza, which comprises strict limits on the movement of goods and people in and out of the territory, and the ongoing Hamas-Fatah rift hamper the development of normal civilian political competition. Armed groups, including the Israeli military and militias such as those affiliated with Hamas and Islamic Jihad, exercise disproportionate control over the day-to-day lives of Palestinians in the Gaza Strip and leave them with virtually no ability to shape policies that affect them. Political and militant groups in Gaza are also influenced by more distant foreign powers; Qatar provides crucial financial aid to the territory and Hamas in particular, and the Iranian regime supports Islamic Jihad.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Hamas makes little effort to address the rights of marginalized groups within Gazan society. Women enjoy formal political equality under PA laws, and some women won seats in the PLC in 2006. However, women are mostly excluded from leadership positions in Hamas and absent from public political events in practice. Gazan women do actively participate in civil society gatherings that touch on political issues. The political interests of LGBT+ people, who face widespread discrimination and the threat of violence in Gaza, are not addressed by those in power.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The expiration of the presidential and parliamentary terms has left Gaza's authorities with no electoral mandate. In 2021, Hamas continued to govern the territory's internal affairs unilaterally, assigning responsibilities to its own officials as the reconciliation process with Fatah remained stalled.

The ability of Palestinian officials to make and implement policy in Gaza is severely circumscribed by Israeli and Egyptian border controls, Israeli military actions, and the ongoing schism with the PA in the West Bank. Israel maintains a heavy security presence around Gaza's land and sea perimeters, using live fire to keep anyone from entering buffer zones near these boundaries, which further reduces local control over the territory.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Hamas has been accused of corruption in public service delivery and aid distribution, which is crucial to daily life in Gaza given that over 80 percent of the population depends on international assistance due to the blockade. Multiple reports by the Coalition for Accountability and Integrity (AMAN), a civil society organization, have noted that the continuing Fatah-Hamas schism, issues related to judicial integrity, and specific problems with the procurement process have impeded the prosecution of corruption cases.

C3. Does the government operate with openness and transparency? 0 / 4

The Hamas-controlled government has no effective or independent mechanisms for ensuring transparency in its funding, procurements, or operations. AMAN's reports have noted that political decision-making occurs out of public view.

CIVIL LIBERTIES: 8 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16****D1. Are there free and independent media? 0 / 4**

The media are not free in Gaza. West Bank-based newspapers have been permitted in the territory since 2014, and a number of political factions have their own media outlets. However, Gazan journalists and bloggers continue to face repression from the Hamas government's internal security apparatus and from Israeli forces. In a 2018 report, Human Rights Watch (HRW) detailed a pattern of arrests, interrogations, and in some cases beatings and torture of journalists in Gaza. This pattern has continued, and journalists are especially vulnerable during moments of friction between Fatah and Hamas.

In 2021, Fatah-affiliated journalists were arrested or harassed following the failure of reconciliation talks. In April, Hamas security forces beat local radio reporter Rewaa Mershid with a tree branch for not wearing a headscarf, triggering a public outcry and pledges that the man responsible would be punished. Among other cases during the year, journalist Alaa al-Mashharawi was arrested without explanation in October.

A number of media freedom violations were associated with the May conflict between Israeli forces and Palestinian militant groups in Gaza. Israeli air strikes destroyed buildings that reportedly housed the offices of more than 20 media outlets, including Palestinian outlets and international news services like the Associated Press. After the cease-fire, more than a dozen journalists in the territory found that the social media platform WhatsApp had blocked their accounts.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Freedom of religion is restricted. The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Blasphemy is a criminal offense. Hamas authorities have enforced conservative Sunni Islamic practices and attempted to exert political control over mosques. However, they have not enforced prayers in schools or compelled women to wear hijab in Gaza's main urban areas to the extent that they did in the early years of Hamas control.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Primary and secondary schools in the Gaza Strip are run by Hamas, the UN Relief and Works Agency (UNRWA), or private entities. In the Hamas-run Islamic University, people

are separated by gender, and women are obliged to cover their hair. Hamas intervenes in the schools under its control to uphold its views on Islamic identity and morality. It does not intervene extensively in private universities, but Hamas-led police have violently suppressed student demonstrations. Some Gazan academics are believed to practice self-censorship. Israeli and Egyptian restrictions on trade and travel limit access to educational materials and academic exchanges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Intimidation by Hamas militants and other armed groups has some effect on personal expression and private discussion in Gaza, and the authorities monitor social media for critical content. A 2018 HRW report documented a number of incidents in which Hamas intimidated, detained, or abused individuals in response to their social media activity or attendance at political events, most notably those perceived to be supportive of Fatah or opposed to the Hamas government. Such practices continue to occur regularly. Social media users, particularly women, also reportedly face online harassment for expressing political views. The risk of repercussions for free expression has led some residents to self-censor.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Israeli forces use violent and frequently lethal methods to disperse demonstrations near the de facto border. According to data from the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), at least four Gazans were killed and some 140 were injured by Israeli forces in the context of demonstrations during 2021. Injuries are often caused by shrapnel, rubber-coated bullets, or direct hits from tear-gas canisters in addition to live gunfire.

Hamas also significantly restricts freedom of assembly, with security forces violently dispersing unapproved public gatherings.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

There is a broad range of Palestinian nongovernmental organizations (NGOs) and civic groups, and Hamas operates a large social-services network. However, Hamas has restricted the activities of organizations that do not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. Aid and reconstruction efforts by NGOs after periodic conflicts with Israel have been held up in part by disagreements over international and PA access to the territory and control over border crossings. The Israeli government also imposes restrictions on access to Gaza for human rights researchers and NGO staff.

In October 2021, the Israeli government designated six Palestinian NGOs and human rights organizations as “terrorist” groups, though it provided little evidence that the groups, some of which received funding from European governments, had links to militant activity. While the six organizations operated mostly in the West Bank, some were also active in Gaza, and the designation was criticized by international human rights organizations and UN experts as an attack on the broader Palestinian human rights movement.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The Fatah-aligned Palestinian General Federation of Trade Unions, the largest union body in the territories, has seen its operations curtailed in Gaza. Workers have little leverage

in labor disputes due to the dire economic situation, extremely high unemployment, and the dysfunctional court system, which impedes enforcement of labor protections.

Hamas sometimes intervenes in labor union elections or in the activities of professional associations that are linked to Fatah. Hamas has established its own, parallel professional associations to compete with existing organizations that are more strongly affiliated with Fatah and rival groups. The civil servants' union for the Hamas-controlled public sector occasionally holds rallies and strikes.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

Hamas maintains an ad hoc judicial system that is separate from the PA structures headquartered in the West Bank, which do not operate in Gaza. The system is subject to political control, and its judges lack proper training and experience. There are also reportedly long delays in hearing cases related to a range of issues, including land disputes and personal status matters.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Hamas security forces and militants regularly carry out arbitrary arrests and detentions. The court system overseen by Hamas generally fails to ensure due process, and in some cases civilians are subject to trial by special military courts.

Some 230 Palestinian security detainees and prisoners from Gaza were held in Israeli prisons as of the end of December 2021, according to the Addameer Prisoner Support and Human Rights Association. The Israeli human rights group B'Tselem has noted that transporting prisoners outside of occupied territory is a breach of international law. Israeli military courts, which handle the cases of such detainees, lack the full due process guarantees of civilian courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

About 250 Palestinians were killed in Gaza by Israeli forces during 2021, according to UNOCHA, and more than 2,300 were injured. At least 120 of those killed were civilians. This sharp increase, from only three conflict-related fatalities in 2020, was due largely to the Israeli offensive in May, though several Palestinians were also killed by artillery and rocket fire from Palestinian militants that did not reach Israel. UN high commissioner for human rights Michelle Bachelet stated that Israel's attacks on the Gaza Strip could constitute war crimes if they were shown to be disproportionate.

Individuals who approach the de facto border with Israel, including those fishing in the waters off of Gaza, are at risk of live fire from Israeli forces. UNOCHA documents regular shooting incidents near the border and in coastal fishing areas.

Hamas-led authorities have applied the death penalty without due process or adequate opportunity for appeals and without the legally required approval from the PA president. At least 15 people were sentenced to death in 2021, though no executions were carried out.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The legal system operating in Gaza offers few protections against harassment and discrimination for women and other vulnerable groups, including LGBT+ people. Laws dating to the British Mandate era authorize up to 10 years' imprisonment for sexual acts between men.

Gaza residents living with disabilities face significant barriers. A 2020 HRW report noted pervasive stigma against this population and found that Israeli import restrictions impeded their access to medical and other equipment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4**

Freedom of movement for Gaza residents is severely limited. Israel and Egypt exercise tight control over border areas, and Hamas imposes its own restrictions on travel. Israel often denies Gaza residents permits to travel outside of the territory on security grounds, authorizing only certain medical patients and other individuals to leave. University students have difficulty acquiring the necessary permits to leave the territory to study abroad. Corruption and the use of bribes at crossing points is common.

The Rafah crossing between Gaza and Egypt was opened more regularly in 2021 compared with 2020, but conditions remained largely unpredictable and restrictive. The May conflict led to a total shutdown of Israeli-controlled crossings, with partial openings initiated later in the year. In December, Israeli officials announced the completion of a more robust physical barrier separating Israel from Gaza, with surveillance devices and an underground wall to deter tunneling. The Israeli army prevents Palestinians from approaching the fencing itself and a surrounding “buffer zone” that extends up to 300 meters into the territory, though the de facto border is not recognized by the international community or key stakeholders. Israeli authorities also periodically restrict or close Gaza’s offshore fishing zone. During 2021, the zone was reduced from 15 to as little as 6 nautical miles from shore in response to militant activity.

Since 2020, local authorities have imposed curfews and other temporary restrictions on internal movement to limit the spread of COVID-19, generally adjusting the measures in light of increasing or decreasing case numbers.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While Gaza residents are able to own property and engage in business activity, their rights have been seriously undermined by the effects of periodic conflicts between Hamas and Israel, among other factors. Reconstruction of homes that were damaged or destroyed during past rounds of fighting has lagged for many years, leaving thousands of people displaced or in temporary housing. Impediments to private enterprise in Gaza include persistent Israeli bans on imports of many raw materials. These restrictions are unilaterally adjusted by Israeli authorities based on political and security criteria.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Palestinian laws and societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters such as marriage and divorce. Hamas has enforced restrictions on personal attire and behavior it deems immoral, though enforcement has relaxed in recent years. A 2019 PA decree set 18 as the minimum age for marriage, but child marriage reportedly remains a problem.

So-called honor killings continue to occur, though information on the situation in Gaza is limited. Domestic violence is common, with nearly four in 10 Gazan women facing such violence according to a 2019 PA survey. Rape and domestic violence go underreported and often unpunished, as authorities are allegedly reluctant to pursue such cases. While women’s

rights activists in 2021 called on the PA to adopt a long-delayed law on domestic violence, Hamas has resisted the imposition of new PA laws in the absence of the PLC.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The blockade of the Gaza Strip's land borders and coastline has greatly reduced economic opportunity in the territory. Half of Gaza's labor force was unemployed as of the third quarter of 2021, with an unemployment rate of 70.4 percent among youth aged 15–29. Israel's intermittent restrictions on the entry of construction materials have hampered growth and recovery from conflicts, and Israeli patrols limit farming near the border fence as well as fishing in coastal waters. Hamas has imposed price controls that may further dampen economic activity.

Inconsistent access to fuel imports and electricity due to Israeli, PA, and Egyptian policies hinders all forms of development in the territory, including domestic desalination that could improve access to clean water. Qatari aid to Gaza, including in the domain of fuel and electricity, is inconsistent and dependent on the status of political agreements with Israel and Egypt.

PA officials have little ability to enforce legal protections against exploitative labor conditions in Gaza, and most private-sector wage earners receive less than the legal minimum, which is itself lower than the poverty threshold.

Hong Kong*

Population: 7,500,000

Freedom Status: Partly Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: The people of Hong Kong, a special administrative region of China, traditionally enjoyed substantial civil liberties and the rule of law under their local constitution, the Basic Law. However, the implementation of the National Security Law (NSL) in 2020 has amounted a multifront attack on the “one country, two systems” framework. The territory's most prominent prodemocracy figures have been arrested under its provisions, and NSL charges or the threat of charges have resulting in the closure of political parties, major independent news outlets, peaceful nongovernmental organizations (NGOs), and unions. The NSL also paved the way for Beijing to overhaul Hong Kong's electoral system in 2021; the new rules permit mainland authorities to vet candidates, and contain other provisions that ultimately ensure Beijing near-total control over the selection of Hong Kong authorities.

KEY DEVELOPMENTS IN 2021

- In January, over 50 activists were arrested for participating in a nonbinding primary election in 2020, during which prodemocracy parties had selected candidates to run for seats on the Legislative Council (LegCo); 47 were charged with subversion under the NSL. The events left Hong Kong's most prominent and outspoken prodemocracy opposition behind bars.
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- In March, China's National People's Congress Standing Committee (NPCSC) changed the annexes of the Basic Law to alter Hong Kong's electoral system. Dubbed "patriots governing Hong Kong," the new system allows Beijing to vet candidates for the LegCo and the Election Committee that selects the chief executive, and contained other provisions that ultimately ensured Beijing authorities near-total control over the selection of local Hong Kong authorities.
- In June, police froze the bank accounts of the prodemocracy newspaper *Apple Daily*, raided its offices, and arrested top editors on charges of violating the NSL. Soon after, *Apple Daily* shut down its website and social media accounts and announced its closure. In December, the prodemocracy outlet Stand News was raided and six senior staff were arrested on sedition charges, resulting in its closure.
- Dozens of civil society organizations and unions have disbanded since the NSL took effect in 2020. Prominent organizations that closed in 2021 include the Civil Human Rights Front (CHRF) and the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, both known for organizing peaceful protests, as well as the Hong Kong Confederation of Trade Unions (HKCTU) and Hong Kong Professional Teachers' Union (HKCTU).

POLITICAL RIGHTS: 10 / 40 (-5)

A. ELECTORAL PROCESS: 0 / 12 (-2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

In 2017, Carrie Lam, a former deputy to outgoing chief executive Leung Chun-ying and Beijing's favored candidate, was chosen as Hong Kong's fourth—and first woman—chief executive, with 777 Election Committee votes. Her main opponent, former financial secretary John Tsang, received just 365 votes despite drawing far more support than Lam in public opinion polls. As in the past, the selection process featured reports of heavy lobbying by central government representatives.

The next chief executive election is scheduled for March 2022, and will take place following a sweeping overhaul of electoral laws approved by China's National People's Congress (NPC) in March 2021 and described as "patriots governing Hong Kong." The new system diminished the scope of direct suffrage, allows Beijing to vet candidates for Hong Kong's Legislative Council and Election Committee, and contains other modifications that effectively ensure Beijing authorities near-total control over the selection of local Hong Kong authorities.

Under the new system, the chief executive is still chosen by the Election Committee but the number of committee members was increased from 1,200 to 1,500. Of the 300 new representatives, 190 are delegates of either the NPC, the Chinese legislature, or the Chinese People's Political Consultative Conference (CPPCC), China's top government advisory body. The remaining 110 members represent "Hong Kong members of relevant national organizations." The 117 Election Committee members who had represented Hong Kong's 18 district councils—most of whom were from the territory's prodemocracy camp—were removed from the Election Committee. The number of eligible voters who select Election Committee members was cut from some 200,000 "functional constituency" voters—representatives of elite business and social sectors, many with close Beijing ties—to only around 4,800. Most individual votes were replaced with organizational votes, meaning that unions and other groups may cast only one vote on behalf of all their members.

Voting for the Election Committee—the first poll under the new electoral system—took place in September 2021. Candidates competed for 967 seats in 36 separate elections within

subsectors that represent a variety of special interest groups. Candidates for more than three-quarters of those seats ran uncontested, and all but three nominated candidates were considered to be aligned with the Beijing-backed authorities. The remaining 533 committee seats were to be occupied by individuals nominated directly from designated organizations and by ex officio members. Analysts reported following the September 2021 election that the electoral changes ultimately resulted in the addition of more than 500 Election Committee seats designated for Chinese business, political, and grassroots groups.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-1)

The new electoral system introduced by Beijing in 2021 significantly altered the composition and power dynamic of the LegCo. The number of seats increased from 70 to 90, with 40 elected by the pro-Beijing Election Committee, 30 by the functional constituencies, and only 20 elected directly by Hong Kong voters in the five geographical constituencies. This reduced the proportion of seats open for direct election from 50 percent to 22 percent. Members serve four-year terms.

LegCo elections were originally scheduled for September 2020. The prodemocracy camp organized a nonbinding primary election for its candidates, and more than 600,000 Hong Kongers voted peacefully in the primary that July.

The same month, Chief Executive Lam invoked emergency powers to postpone the LegCo election by a year, citing the threat of COVID-19. In November 2020, the NPC Standing Committee issued a directive allowing the Hong Kong government to summarily remove—without judicial review—lawmakers whom it deemed to have engaged in behaviors that endangered national security. Lam’s government quickly ousted four prodemocracy LegCo members, prompting all 15 of the remaining prodemocracy lawmakers to resign in protest. Dozens of people involved in organizing the primary were arrested in January 2021 under the NSL, most on charges of “subversion of state power” that can carry a sentence of life imprisonment.

LegCo elections eventually took place in December 2021, offering voters a pool of overwhelmingly pro-Beijing candidates who were vetted for compliance with a “patriots only” policy. Numerous major prodemocracy candidates arrested for involvement in the 2020 primary remained in jail. The pro-Beijing camp won all but one seat, and turnout was a record low of 30 percent. Several individuals who called for an election boycott were arrested.

Score Change: The score declined from 1 to 0 because the Legislative Council elections almost exclusively featured candidates who were vetted to comply with a “patriots only” policy to ensure loyalty to Beijing.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

The restrictive electoral reforms implemented in 2021 offer the Chinese government far-reaching authority to shape electoral outcomes. The Election Committee is newly empowered to vet and preapprove candidates based on national security background checks that ensure they are “patriots.” This new mechanism is more restrictive than the prescreening system for the 2016 LegCo election, in which the Electoral Affairs Commission (EAC) required candidates to attest in writing their belief that Hong Kong is unquestionably a part of China; six localist candidates had been disqualified for failure to comply. Far fewer seats in the LegCo and in the Election Committee are directly elected by voters under the new system. The overhaul itself was written by authorities in Beijing.

Prodemocracy candidates were absent from 2021 LegCo elections. The seven-member Candidate Eligibility Review Committee approved all but one of the 154 candidates, most of whom were part of the pro-Beijing camp.

Score Change: The score declined from 1 to 0 because the electoral reform enacted in March diminished the scope of direct suffrage and empowered authorities to exclude candidates based on political criteria.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16 (-2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4 (-1)

The political choices of Hong Kong residents are limited by an electoral system that ensures the dominance of pro-Beijing camp by stifling prodemocracy oppositions. The banning of the proindependence Hong Kong National Party (HKNP) in 2018 marked the first blanket prohibition of a political party since the territory's 1997 handover from Britain to China. The government since then has taken even more aggressive steps to outlaw prodemocracy political activities.

The largest pro-Beijing party is the Democratic Alliance for the Betterment and Progress of Hong Kong. The new, pro-Beijing Bauhinia Party caters to mainland Chinese who have relocated to Hong Kong. The Chinese Communist Party (CCP) is not formally registered in Hong Kong but exercises enormous influence.

The main prodemocracy parties are the Civic Party and the Democratic Party. However, their most prominent members remain in jail for participating in the July 2020 primary election. In April 2021, four Civic Party members facing national security charges issued an open letter calling for the dissolution of the party, citing concern for the safety their colleagues. Civic Passion, a localist party critical of Beijing, disbanded in September after its chairman was ejected from the LegCo after failing to clear the Election Committee's vetting for patriotism. By year's end, leading prodemocracy figures had been effectively removed from the political arena under provisions of Beijing's "patriots only" electoral makeover, or via charges under the NSL.

Score Change: The score declined from 2 to 1 because members of prodemocracy groups are excluded from politics under the new electoral system and subject to arrest and intimidation under the National Security Law.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4 (-1)

Prodemocracy legislators historically enjoyed substantial minority representation alongside their pro-Beijing counterparts. However, after a series of disqualifications and expulsions that culminated in the mass resignation of prodemocratic lawmakers in November 2020, there were no democratic opposition candidates in the LegCo at year's end.

The subjective nature of the NPC's standards for oath taking; the expansive criminalization of speech and political activity under the NSL; and the chief executive's discretionary authority to remove proindependence LegCo members under the NPC's November 2020 directive all invite arbitrary enforcement and pose serious obstacles for the opposition in future elections. The opposition has been battered by arrests and detentions since Beijing imposed the NSL in 2020. Arguably the strongest blow was the arrest of 53 prodemocracy politicians and activists in January 2021 for participating in the primary elections, which Beijing considers a national security crime for aiming to overthrow the Hong Kong

government by winning a majority in LegCo elections. Forty-seven people involved in the primary were charged with subversion under the NSL and have been in detention since March 2021; most remained behind bars at year's end.

The 2021 electoral reforms closed remaining avenues for the opposition to win political representation, including by reducing the number of elected seats, increasing the proportion of appointed seats, and implementing a vetting process to ensure that only "patriotic" candidates who accept Beijing's rules for Hong Kong are permitted to run in elections.

Score Change: The score declined from 1 to 0 due to the arrest and detention of most prominent opposition leaders and a new electoral system that effectively prevents the opposition from winning or maintaining a presence in the legislature.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The unelected CCP leadership in Beijing exerts a powerful influence on politics in Hong Kong through a variety of channels, including the NPC's ability to issue interpretations of the Basic Law, the cooptation of Hong Kong business leaders through their mainland assets and membership in the NPC or CPPCC, and lobbying or harassment of election committee members and other political figures to ensure favorable electoral outcomes. The NSL, imposed without consultation by the central government, gives Beijing vastly expanded powers in Hong Kong, in part by establishing a centrally controlled security apparatus in the territory, and by allowing defendants in some NSL cases to be transferred to the mainland for prosecution and punishment.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While there are no formal restrictions preventing women or members of ethnic minority groups from voting or running for office, their participation is limited in practice.

Two of Hong Kong's most prominent LGBT+ leaders, Raymond Chan Chi-chuen, and Cyd Ho, faced prosecution for participating in peaceful demonstrations. In September 2021, Chan was freed on bail; Ho was sentenced to several months in prison around the same time.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (-1)

Directly elected officials have little ability to set and implement government policies under the territory's political system, and unelected mainland authorities are highly influential. The Basic Law restricts the LegCo's lawmaking powers, prohibiting legislators from introducing bills that would affect Hong Kong's public spending, governmental operations, or political structure.

Under the new electoral rule, a vetting process ensures that only "patriotic" candidates who accept Beijing's rules for Hong Kong may run in elections. Prodemocracy candidates have been barred from running for office, jailed, or forced into exile, and there was no genuine competition in the 2021 polls. With the NSL in full force, and Beijing's makeover of electoral rules to ensure its grasp on the city's political life, what remains of the LegCo offers no meaningful checks on executive authority.

Score Change: The score declined from 1 to 0 because the lack of competitive elections deprived the local authorities of democratic legitimacy, and because the exclusion of opposition forces from the legislature reduced its ability to serve as a check on the executive.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Hong Kong is regarded as having generally low corruption rates, and some high-ranking officials have been successfully prosecuted for graft-related offenses in the past. However, residents perceive the government to be lagging in the fight against corruption.

An increasing source of concern has been the apparently politicized application of anti-money laundering and anticorruption laws against organizations connected with the 2019 protest movement. In October 2021, the 612 Humanitarian Relief Fund, set up to provide financial assistance for protesters who were arrested, ceased operations following calls from Chinese state-backed media for authorities to investigate it for illegal activity. In 2019, a similar group, Spark Alliance, saw its accounts frozen and its staff arrested on charges of money laundering.

C3. Does the government operate with openness and transparency? 2 / 4

Hong Kong has no freedom of information law, nor does it have any specific legislation relating to the management of government records and archives. An administrative Code of Access to Information is intended to ensure open access to government records but includes broad exemptions.

Consultations between Hong Kong officials and the Beijing government, represented by a Liaison Office in the territory, are largely opaque. There is no transparency regarding central government processes that directly affect Hong Kong. The NSL was drafted in secret and announced without public consultation, taking effect almost immediately after the text was first published.

CIVIL LIBERTIES: 33 / 60 (-4)**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16 (-1)****D1. Are there free and independent media? 1 / 4 (-1)**

The Basic Law has historically acted as a bulwark for press freedom, and the mainland's internet censorship regime does not yet apply in Hong Kong. Residents have long had access to a variety of print, broadcast, and digital news sources.

However, following several years of sustained political and economic pressure on independent media by the Hong Kong and Chinese governments, press freedom has deteriorated even more severely since 2020. In August of that year, prodemocracy media owner Jimmy Lai was arrested on suspicion of "colluding with foreign forces," and police executed search warrants at the headquarters of his *Apple Daily* newspaper. In June 2021, police froze the newspaper's accounts, raided its offices, and arrested top editors on charges of violating the NSL; staff were accused of "colluding with foreign forces" by publishing articles since 2019—prior to the NSL's implementation—that called for foreign sanctions against Hong Kong and Chinese government officials. Soon after, *Apple Daily* shut down its website and social media accounts and announced its closure, as well as the closure of a sister publication, *Next Magazine*. In December, the prodemocracy outlet *Stand News* was raided and six senior staff were arrested on sedition charges, resulting in its closure.

Radio Television Hong Kong (RTHK), the public broadcaster once known for its independent reporting, is being increasingly reined in. In February 2021, it removed all content older a year on YouTube and Facebook—a significant erasure of news ahead of the year's elections. The broadcaster also canceled the long-running current affairs show *City Forum*, and rejected an award for its coverage of the 2019 Yuen Long mob attacks on prodemocracy protesters. Chief Executive Carrie Lam was given her own series to explain changes to electoral laws, but it was criticized as failing to meaningfully address citizens' concerns.

Other constraints on the media implemented in 2021 included an antidoxing law approved by the LegCo in September, which gave authorities broad license to arrest anyone

who published personal information recklessly or with the intent of causing harm; rights groups expressed concern that it could be invoked against journalists and activists. The following month, the Companies Registry and Land Registry announced that individuals who searched their public records must provide identifying information and acknowledge that their identities and other details could be made available to authorities, prompting criticism from HKJA, which said the requirements posed unnecessary legal risks to journalists. Also in October, the LegCo passed the Film Censorship (Amendment) Bill 2021, which allows films to be banned, including retroactively, on national security grounds. And, HKJA announced that police had declined to investigate 26 of 27 complaints filed over officers' conduct towards reporters during the 2019 protests.

Score Change: The score declined from 2 to 1 due to increased government pressure on independent media outlets, including the forced closure of Apple Daily and the arrest of its senior staff.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected in Hong Kong. Adherents of the Falun Gong spiritual movement, which is persecuted in mainland China, are free to practice in public. However, they have faced counterdemonstrations and harassment by members of the Hong Kong Youth Care Association (HKYCA), which has ties to the CCP. In July 2021, a top Hong Kong official called for Falun Gong to be investigated on suspicion of violating the NSL.

Several Christian groups that had supported 2019 protestors or human rights in China, such as the Hong Kong Pastors Network and the longstanding Hong Kong Christian Patriotic Democratic Movement disbanded in 2021.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

University professors were historically able to write and lecture freely, and political debate on campuses was lively. However, a crackdown on free speech on campus, academic freedom, and student activity persisted throughout 2021.

The NSL has been used aggressively to suppress discussions of Hong Kong independence and the 2019 protest movement at all levels of education. Several prodemocracy scholars have been fired by Hong Kong universities since 2020, while in February 2021 the Education Bureau instructed public universities to bring curriculums in line with the NSL and “prevent and suppress” on-campus acts that could violate its provisions. The same month, the Chinese University of Hong Kong withdrew recognition of its student union over criticism of the NSL by newly elected union leaders, a decision that effectively suspended the union's funding. In December, university administrators on three campuses removed sculptures commemorating the 1989 Tiananmen Square massacre. Additionally, prior to the LegCo election, Beijing-controlled newspapers threatened the Hong Kong Public Opinion Research Institute (HKPORI) for including the option of “blank vote” when polling the public about their voting intentions.

The chief executive serves as the chancellor of all public universities, and local authorities appoint university council members, who are similar to trustees.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Hong Kong has a tradition of free personal expression and private discussion, but local and mainland security agencies have been suspected of monitoring the communications of

prodemocracy activists for some years, and they now have a specific mandate to do so under the NSL, which permits warrantless surveillance and wiretapping. The law also allowed mainland authorities to establish security agencies in the territory under their own jurisdiction, and people charged with NSL offenses can be detained and tried on the mainland. The NSL's enactment has prompted many social media users to self-censor, shutter their accounts, or delete existing content that could run afoul of the law.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12 (-3)

E1. Is there freedom of assembly? 1 / 4

The Basic Law guarantees freedom of assembly, but the Public Order Ordinance requires organizers to give police seven days' notice before protests and to obtain official assent. Since its emergence, the government has repeatedly used the COVID-19 pandemic as a pretext to ban public assemblies, including the annual June 4 vigil to commemorate the 1989 Tiananmen Square massacre, which in 2021 was banned for the second year in a row. Some 7,000 police were deployed to enforce the ban on protests and gatherings that day, and 24 would-be organizers of the vigil were arrested for promoting an unauthorized assembly.

The NSL has been invoked to arrest individuals for actions as minor as carrying stickers that read "liberate Hong Kong," and for holding blank placards.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4 (-2)

Historically, Hong Kong hosted a vibrant nongovernmental organization (NGO) sector, including a number of groups that focus on human rights in mainland China. However, the introduction of the NSL in 2020 dramatically changed the environment for civil society: the entire staff of some organizations quit on the eve of the law's introduction, and a number of prominent prodemocracy organizations have since rapidly disbanded due to safety concerns.

Among the most notable closures in 2021 were the Civil Human Rights Front (CHRF), the nonviolent prodemocracy group known for organizing an annual mass protest on July 1, which disbanded in August; the group was accused of responsibility for violent clashes between demonstrators and police in 2019, and one of its leaders had been sentenced to 18 months in prison for participating in a banned rally. The Hong Kong Alliance in Support of Patriotic Democratic Movements of China, best known for organizing candlelight vigils in Hong Kong on the anniversary of the Tiananmen Square massacre, disbanded in September after its assets were frozen and it was charged with subversion under the NSL. Amnesty International announced in October that it would shutter two Hong Kong offices by year's end, saying the NSL made it impossible to conduct human rights work without risk of reprisals.

As of November 2021, Amnesty International said at least 35 groups had disbanded since the NSL took effect, while Agence France-Presse (AFP) estimated more than 50.

Score Change: The score declined from 3 to 1 because numerous NGOs have curbed their activities or disbanded to avoid potential prosecution under the National Security Law.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (-1)

Trade unions are independent, but collective-bargaining rights are not recognized, and protections against antiunion discrimination are weak.

Some trade unions took an active role in the 2019 protest movement, and attempted to organize an unofficial referendum on whether to call a general strike in June 2020, but the effort fell short of its turnout goal and drew warnings from government ministers. Lee Cheuk-yan, general secretary of the Hong Kong Confederation of Trade Unions (HKCTU), was among those arrested and charged for their involvement in organizing

protests during that year. The HKCTU announced its dissolution in October 2021, with members saying they experienced intimidation and leaders citing outright threats to their safety. The Hong Kong Professional Teachers' Union, the largest teachers' union in the city, disbanded in August after Chinese state media called it "a malignant tumor," and the city's Education Bureau accused it of "spreading propaganda" and encouraging students' participation in illegal activities. In the announcement of its closure, the union cited "changes in the social and political environment" and "recent rapid developments" that put it "under tremendous pressure."

Score Change: The score declined from 2 to 1 because a major labor confederation and many individual unions, including the largest teachers' union, disbanded during the year to avoid potential prosecution.

F. RULE OF LAW: 9 / 16

F1. Is there an independent judiciary? 2 / 4

The Hong Kong judiciary is largely independent but looming threats remain as several provisions of the NSL undermined judicial autonomy, such as allowing the government to select judges for NSL trials.

The NPC has historically reserved the right to make final interpretations of the Basic Law, limiting the independence of the Court of Final Appeal. Such interventions were rare prior to the NPC's 2016 interpretation regarding oaths of office, which was also unusual for being issued without a request from the Hong Kong government and before the local courts had ruled on the matter in question. The 2020 NSL was imposed on Hong Kong through a Basic Law provision that allows the NPC to list national laws that must be applied locally, bypassing both the LegCo and Hong Kong's courts.

Under the NSL, the chief executive is empowered to designate a pool of judges specially to try NSL cases. They are selected for a one-year term but can face removal should they make statement that "endanger national security." The chief executive's office refused to make the criteria for selection and the judge list public, raising serious concerns about judicial independence.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The courts typically upheld due process rights and adjudicated civil and criminal matters fairly and efficiently in the past. Following the thousands of arrests made during the protests that began in 2019, courts came under pressure to process cases faster, and pro-Beijing politicians and media called on them to side with the prosecution and hand down heavier sentences.

Under the NSL, individuals charged with national security offenses are tried by judges selected by the chief executive, and the central government wields influence over the appointment of prosecutors. In cases involving offenses against public order or state secrets, the trials may be closed to the public. The central government's new Office for Safeguarding National Security in Hong Kong can assert jurisdiction over some cases and have them tried on the mainland. There is a much higher threshold for bail for NSL cases than others. The NSL also gave police powerful new legal tools including enhanced investigatory power to search premises and electronic devices, freeze or confiscate assets, and demand people and groups provide information.

In July 2021, the first NSL court case commenced, without a jury. Tong Ying-kit—who drove a motorcycle bearing a flag with the banned "Liberate Hong Kong, revolution of our times" into a crowd of police officers—was found guilty by a three-judge panel and

sentenced to nine years in prison on charges of incitement and terrorist activity. Three people were injured in the incident.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Police are forbidden by law from employing torture, disappearance, or other forms of abuse. However, the 2019 protest movement featured frequent episodes of police violence, which have generally gone unaddressed. There were also credible allegations of arbitrary detention and even torture of protesters in 2019. In addition to police violence, the protest movement brought about a more general climate of unrest, due to both clashes that accompanied demonstrations and violent attacks committed by nonstate actors against protesters, activists, and bystanders at locations far from where protest actions were taking place.

The 2015 disappearances of five Hong Kong booksellers into police custody on the mainland continue to cast doubt on the local government's capacity to protect residents from abuses by Chinese authorities, a concern exacerbated by the new jurisdictional powers provided by the NSL. Four of the booksellers were eventually released, but they reportedly faced surveillance and harassment in Hong Kong; the fifth, Swedish citizen Gui Minhai, remained in detention on the mainland and was sentenced to 10 years in prison in February 2020 for supposedly providing intelligence to foreign entities.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Citizens are generally treated equally under the law, though people of South Asian origin or descent face language barriers and de facto discrimination in education and employment. Women are also subject to some employment discrimination in practice. Antidiscrimination laws do not specifically protect LGBT+ people.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Hong Kong residents generally enjoy freedom of movement, though authorities periodically deny entry to visiting political activists and Falun Gong practitioners, raising suspicions of Beijing-imposed restrictions. Some Hong Kong activists and politicians have also faced difficulty traveling to the mainland. In 2019, there were reports that people traveling into China from Hong Kong were subjected to checks by mainland authorities, who searched their phones for protest photos and related communications.

In 2020, a number of countries, including Britain and Australia, offered special visas and other pathways for Hong Kong residents to escape political repression, though in retaliation Beijing refused to recognize British National (Overseas) passport. Legal experts have expressed concerns about updates to immigration law enacted in 2021, which they say could pave the way for local authorities to enact exit and entry bans like those found on the mainland.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

While property rights are largely respected, collusion among powerful business entities with political connections is perceived as an impediment to fair competition.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Hong Kong residents are legally protected from rape and domestic abuse, and police generally respond appropriately to reports of such crimes. Men and women enjoy equal rights in personal status matters such as marriage and divorce. A constitutional challenge to Hong Kong's restrictions on same-sex marriage was rejected by a court in 2019. In two separate cases in September 2020, a court ruled in favor of inheritance rights for a gay couple but rejected a bid to compel the territory to fully recognize same-sex marriages undertaken abroad.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

While most Hong Kong residents enjoy equality of opportunity and freedom from economic exploitation, certain marginalized groups face substantial risks of exploitation and abuse. For instance, foreign household workers, who make up roughly 4.4 percent of Hong Kong's population, remain vulnerable to a wide range of exploitative practices. Since they may face deportation if dismissed, many are reluctant to bring complaints against employers. Hong Kong is also a significant site for human trafficking, but the city still lacks comprehensive antitrafficking legislation.

After the implementation of the NSL, businesses in Hong Kong's "yellow economy," which support prodemocracy protesters, faced scrutiny including police warnings and extra inspections for compliance with pandemic safety guidelines.

Indian Kashmir

Population: 13,900,000

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Control of Kashmir has been divided between India and Pakistan since 1948, and Indian-administered Kashmir long enjoyed substantial autonomy under India's constitution. However, the region's autonomous status was revoked in 2019, and what had been the state of Jammu and Kashmir was reconstituted as two union territories under the direct control of the Indian central government. The move stripped residents of many of their previous political rights. Civil liberties have also been curtailed to quell ongoing public opposition to the reorganization. Indian security forces are frequently accused of human rights violations, but few are punished. Separatist and jihadist militants continue to wage a protracted insurgency.

KEY DEVELOPMENTS IN 2021

- Internet access and freedom of assembly remained restricted during the year in the wake of the region's 2019 political reorganization. However, 4G internet service was largely restored to the region in February.
 - In October, a new wave of militant attacks against members of minority religious communities in the region, and against migrant workers, caused many to flee. Security forces responded to the surge in militant violence by briefly detaining
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hundreds of civilians; the increase in violence caused by both militants and security forces resulted in the deaths of at least 33 people in under three weeks.

- Indian officials signaled in June that statehood for Jammu and Kashmir—a union territory under the direct control of the central Indian government—would be restored, with elections for a new legislature to be held following the redrawing of constituency boundaries. However, no specific timetable had been announced at year’s end.

POLITICAL RIGHTS: 7 / 40**A. ELECTORAL PROCESS: 2 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

Prior to 2019, the state of Jammu and Kashmir enjoyed special autonomy under Article 370 of the Indian constitution. A chief minister—typically the head of the largest party in the state legislature’s lower house—was entrusted with executive power. Under the Jammu and Kashmir Reorganisation Act 2019, adopted by the Indian Parliament that August, the region’s autonomous status was revoked, it was downgraded from a state to a union territory, and the Ladakh area was separated to form a second union territory. Executive authority in each now rests with a lieutenant governor appointed by the president of India on the advice of the Indian prime minister. In Jammu and Kashmir, the lieutenant governor is to be assisted by a chief minister and cabinet responsible to an elected legislature, though no such legislature had been elected by the end of 2021. Manoj Sinha, a former Indian minister belonging to India’s ruling Bharatiya Janata Party (BJP), was appointed as lieutenant governor of Jammu and Kashmir in 2020. Radha Krishna Mathur, a former bureaucrat, was appointed as lieutenant governor of Ladakh in 2019 and remained in office during 2021.

The process by which Jammu and Kashmir’s autonomous status and statehood were revoked drew criticism and doubts about its legality. Opponents and other observers argued that the central government had improperly delayed state elections beginning in 2018 and then hastily adopted the reorganization law with little debate.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Until the passage of the Jammu and Kashmir Reorganisation Act in 2019, the region had a bicameral legislature. The lower chamber, the Legislative Assembly, was composed of 87 members directly elected for six-year terms to single-member districts. The upper chamber, called the Legislative Council, comprised 28 indirectly elected members and eight members nominated by the governor. The 2014 elections were broadly free and fair, with reduced levels of voter intimidation, harassment, and violence compared to past elections. The state legislature was dissolved by the governor in late 2018, ending attempts by local parties to form a new governing majority after the BJP’s withdrawal brought down the last coalition government, but central authorities then extended direct rule and postponed new state elections through the summer of 2019, when the Reorganisation Act rendered them moot.

Under the arrangements adopted in 2019, the new union territory of Jammu and Kashmir would have a unicameral legislature with limited powers and at least 83 elected members. (As in the old assembly, another 24 seats associated with constituencies in Pakistani-controlled Kashmir would be left vacant.) In June 2021, senior Indian officials announced that elections will be held following the demarcation of 114 constituencies for Jammu and Kashmir, and that full statehood would be restored, but no specific timeline was given. Critics have accused the authorities of manipulating the delimitation process to award

Jammu—a Hindu majority region—a disproportionately high number of seats. The new union territory of Ladakh will continue to be administered solely by the lieutenant governor, with no legislature of its own.

Local elections to Block Development Councils in October 2019 were extensively boycotted by local mainstream political parties. However, in elections for District Development Councils that were held in November and December 2020, an alliance of Kashmiri parties that supported regional autonomy won control of 13 of the 20 councils.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The legal framework governing statewide elections prior to 2019 was broadly perceived as fair. While intimidation of election workers and electoral authorities by militant groups sometimes interfered with the orderly implementation of electoral laws and regulations, the process was overseen by the Election Commission of India, a respected and largely independent body.

The Indian Parliament adopted the Jammu and Kashmir Reorganisation Act swiftly and without significant input from Kashmiris, fundamentally altering the electoral system and effectively stripping residents of substantial voting power.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Until 2019, a competitive multiparty system had operated in the region. While new political parties had to register with the Election Commission, parties were generally able to form freely, and there were mechanisms by which independent candidates could stand for office. Notable impediments to normal party politics included militant violence, intimidation, and separatist boycotts.

Political activities were almost completely suspended after August 2019, as security forces detained thousands of party members and activists without charge, including the leaders of mainstream Kashmiri parties and the local branch of India's opposition Congress party. Former chief ministers and incumbent lawmakers were among those detained. In March 2021, Mirwaiz Umar Farooq, leader of the All Parties Hurriyat Conference (APHC), a prominent separatist coalition, was released from house arrest; he had been detained for 19 months following his arrest in 2019.

After the last elected chief minister, Mehbooba Mufti, was released in 2020, her People's Democratic Party (PDP) helped form the People's Alliance for Gupkar Declaration (PAGD) with several other Kashmiri parties, including its former rival, the Jammu and Kashmir National Conference (JKNC). The group hopes to restore the region's autonomy under the Indian constitution. Its leaders were once again placed under house arrest in December 2021.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

For more than a decade, state-level power had rotated between the two largest Kashmiri parties: the PDP and the JKNC. The Hindu nationalist BJP, which currently governs in New Delhi, has made significant electoral inroads in recent years; it participated in a coalition government with the PDP from 2015 to 2018.

The postponement of state elections, the 2019 reorganization of the region, and the related mass detentions effectively reduced the ability of opposition groups to compete and

enter government in Jammu and Kashmir for the foreseeable future. The PAGD accused the government of curtailing its ability to campaign freely ahead of the District Development Council elections in 2020. While the alliance won those elections overall, the councils manage local development matters and have little governmental authority.

The union territory of Ladakh has a centrally appointed executive and no legislature, meaning no rotations of power through elections are possible at the territory level. Elections are still held for district-level development councils, but their powers are greatly overshadowed by those of appointed officials.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The activities of separatist militants and a heavy Indian security presence have long impaired the ability of people in certain areas to participate freely in political processes. Since August 2019, tens of thousands of additional Indian troops have been deployed to the region to quash any public expressions of opposition to the Reorganisation Act. The deployment was accompanied by reports of intimidation and violence against civilians. Authorities detained—and subsequently released—hundreds of civilians in response to a surge in violent attacks by separatist militants in October 2021; the increase in violence caused the deaths of at least 33 people in under three weeks.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The former state constitution granted all permanent residents over 18 the right to vote in state assembly elections. While the region had a female chief minister until early 2018, women have generally been underrepresented in politics.

Prior to the 2019 reorganization, historical refugees from Pakistan, who are disproportionately Hindu, were not entitled to permanent residency rights and could not vote in state elections, though they were able to vote in Indian parliamentary elections. In 2020, such individuals were allowed to vote in the development council polls in Jammu and Kashmir for the first time.

During the campaign period for the council elections in 2020, Muslim Kashmiri candidates and their parties were allegedly disadvantaged by continued detentions, police interference, and movement restrictions, many of which were imposed for security reasons.

The 2019 reorganization left the largely Buddhist and Shiite Muslim population of Ladakh without elected government institutions at the territory level. There are still two Autonomous Hill Development Councils representing Ladakh's two districts, Leh and Kargil, but many in Kargil vocally opposed the 2019 changes.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

India has never held a referendum on allowing Kashmiri self-determination, as called for in a 1948 UN resolution. Jammu and Kashmir long enjoyed substantial autonomy under India's constitution, but since 2019 it has been ruled directly by the central government through an appointed lieutenant governor, as has the newly separated territory of Ladakh. There are legal provisions for an elected legislature in Jammu and Kashmir, although its powers will ultimately be limited, and no legislature was in place during 2021. Many laws that had been passed by the state government have been subject to repeal or amendment under the new system, and more laws passed by the Indian Parliament now apply to Jammu

and Kashmir. The union territory is not permitted to formulate its own laws regarding policing and public order.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread. A 2011 law established an anticorruption commission with far-reaching investigatory powers. The panel, known as the State Vigilance Commission, processed more than a thousand complaints after the first commissioners were appointed in 2013, and it filed a handful of bribery charges against public officials. However, few corruption cases result in convictions. In 2020, the commission was dissolved after the Jammu and Kashmir territorial government repealed the underlying law. In August 2021, the government tentatively began pursuing the implementation of a series of anticorruption recommendations passed by the Central Vigilance Commission.

C3. Does the government operate with openness and transparency? 1 / 4

The administration generally operates with opacity, and the changes in the administrative status of the region in 2019, coupled with severe restrictions on press freedom, have further impeded transparency. Several official agencies intended to promote transparency and good governance, including the State Information Commission, were shut down in 2019 and 2020.

CIVIL LIBERTIES: 20 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Until mid-2019, print media were thriving in Jammu and Kashmir. Online media had proliferated, providing new platforms for news and information. The announcement of the region's changed administrative status was accompanied by a severe clampdown on the activities of local and foreign journalists. The authorities continued to disrupt internet service during 2021. In January 2020, 2G internet resumed in some areas for certain websites approved by the government—a list that did not include numerous news outlets. In February 2021, 4G internet service was largely restored in the region. Additional connectivity blackouts were briefly imposed in October, making it difficult for media outlets to operate.

A new media policy introduced in June 2020 gave government officials the authority to examine and censor content for “fake news, plagiarism, and unethical or antinational activities.” Journalists have faced harassment, intimidation, and arbitrary detention in connection with their work in recent years. In 2021, several journalists were summoned by security services to account for their activities; some reported being physically assaulted by police. A number of journalists who report from the region are barred from leaving India. A reporter for the magazine *Kashmir Narrator*, Asif Sultan, has been detained since 2018, reportedly for publishing work critical of the government.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Freedom of worship is generally respected by the authorities. However, violence between Muslims and Hindus periodically flares up, and many have been injured or killed as a result. A ban on Shiite Muslims' Muharram processions, which take place during a period of mourning at the Islamic new year, has been upheld for decades. In August 2021, dozens of Shiite Muslims were detained and assaulted by police while attempting hold Muharram processions in Srinagar.

Authorities closed some mosques for months in the wake of the 2019 revocation of autonomy. Many were shuttered again in October 2021, allegedly to help control a new COVID-19 outbreak.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is circumscribed. Authorities monitor the research produced at Kashmiri universities, and a combination of censorship and self-censorship discourages students and professors from pursuing sensitive topics of inquiry. Colleges, universities, and schools were shuttered for much of 2020 and 2021, both on security grounds and because of the coronavirus pandemic. A limited reopening of schools was announced in September 2021. Remote learning has been severely hampered by ongoing restrictions on internet access.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

While private discussion was previously robust, fear of reprisals by government or militant forces has increased in recent years, and serves as a deterrent to uninhibited speech. The mass arrests of politicians, activists, protesters, and others after the revocation of autonomy in 2019 were apparently aimed at curbing free expression and likely had a chilling effect on the rest of the population. In March 2021, all government employees in the region were ordered to provide the details of their social media accounts, which were then “scrutinized” by police in an apparent bid to suppress dissent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is frequently restricted during times of unrest. The authorities often reject requests for permits for public gatherings submitted by the separatist APHC. Separatist leaders are frequently arrested prior to planned demonstrations, and violent clashes between protesters and security forces are not uncommon.

Curfews were in force in parts of the region during 2021, and lockdowns intended to stem the spread of the coronavirus further curtailed people’s ability to congregate. Ongoing disruptions to phone and internet services served to prevent the planning of protests. Nevertheless, security forces clashed with protesters on multiple occasions, using tear gas and shotguns that fire metal pellets to disperse crowds. In August, citizens in Ladakh protested for full statehood for the union territory. The following month, the funeral of secessionist leader Syed Ali Shah Geelani was accompanied by harsh restrictions on free movement in an effort to curb protests.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Although local and national civil rights groups are generally permitted to operate, they are routinely harassed by security forces. The separatist APHC is technically allowed to function, but its leaders are frequently subjected to detention. In 2019, the central government imposed a five-year ban on the group Jamaat-e-Islami (Jammu and Kashmir) and arrested its top leadership, claiming that it was engaged in separatist activities.

Many of the arrests that followed the revocation of autonomy in 2019 targeted independence advocates, human rights lawyers, and other civic activists. In November 2021,

security forces arrested Khurram Parvez, a Kashmiri human rights activist, under the provisions of a controversial antiterrorism law; international rights organizations condemned Parvez's arrest, citing concerns that Indian authorities are abusing antiterrorism legislation to "quash dissent."

Throughout the year, restrictions on NGO activities severely curtailed efforts by civil society groups to assist with COVID-19 relief efforts.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Although workers have the right to form unions and engage in collective bargaining under Indian law, union rights are inconsistently upheld in practice.

In September 2021, the Jammu Chamber of Commerce and Industries (JCCI) announced a day-long strike to "protest government restrictions against traders" in the region. The strike remained peaceful, and was met with widespread support from regional trade unions and opposition groups.

In November, the government finalized a new set of labor codes, which are likely to be implemented in the region in 2022. Labor leaders and trade unions criticized the new legislation, saying it was formulated without meaningful input from labor groups.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Courts in the region are politicized and typically act as an extension of Indian executive and military authority. The government and security forces frequently disregard court orders that impose constraints on their actions. In January 2020, following a long delay, the Indian Supreme Court ruled that the indefinite internet shutdown in Kashmir was unjustified and violated constitutional rights to free speech and expression, but authorities were slow to ease the shutdown, and mobile internet access was not restored until February 2021.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights, including access to a timely trial, are hampered in part by large backlogs of cases and intermittent lawyers' strikes. The backlog increased in 2020 and 2021 due to COVID-19-related delays. Broadly written legislation, such as the unpopular Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act, allow security forces to search homes and arrest suspects without a warrant, shoot suspects on sight, and destroy buildings believed to house militants or arms. Under the AFSPA, prosecutions of security personnel cannot proceed without the approval of the central government, which is rarely granted. Following the 2019 reorganization of the region, the central government now has the sole authority to declare an area "disturbed" under the AFSPA, which activates enhanced powers for security forces. The Public Safety Act allows detention without charge or trial for up to two years, though 2012 amendments barred the detention of minors. The law was used to jail mainstream political leaders and others in 2019 and 2020. Many such detainees were held in parts of India outside Kashmir.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

After several years of relative stability, security deteriorated sharply following the 2016 killing of Burhan Muzaffar Wani, a popular separatist militant leader. The situation remained volatile in 2021. At least 274 civilians, security personnel, and militants were reportedly killed in conflict-related violence over the course of the year.

Indian security personnel have continued to engage in torture, forced disappearances, and custodial killings of suspected militants and their alleged civilian sympathizers, and they generally enjoy impunity for such abuses. In 2019, the Office of the UN High Commissioner for Human Rights (OHCHR) released a report highlighting human rights violations in the Kashmir region over the previous year, updating a similar 2018 document; the report condemned excessive and extrajudicial violence committed by Indian security forces, and criticized the Indian government's refusal to investigate reported violations.

Militant groups have killed pro-India politicians, public employees, suspected informers, members of rival factions, soldiers, and civilians. The militants also engage in kidnapping, extortion, and other forms of intimidation. The OHCHR report detailed severe rights violations committed by active militant groups. Among other types of incidents during 2021, militants were suspected of having killed dozens of people belonging to the region's Hindu and Sikh communities in October.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

A pattern of violence targeting Pandits, or Kashmiri Hindus, has forced several hundred thousand Hindus to flee their homes in the region over the years, and many continue to reside in refugee camps. Other religious and ethnic minorities, including Sikhs and Gujjars, have been targeted, with several attacks and killings reported in 2021. Women face societal discrimination. They are also subject to harassment, intimidation, and violent attacks, including rape and murder, at the hands of both the security forces and militants. LGBT+ people are generally marginalized in Kashmiri society.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement has been heavily curtailed by the authorities. Strict curfews were imposed in connection with the region's 2019 reorganization, and coronavirus-related lockdowns were added during 2020 and 2021, with the severity varying somewhat by location and over time. Even when curfews are not in place, internal movement is disrupted by roadblocks, checkpoints, and periodic protest-related impediments. Kashmir residents face delays of up to two years to obtain and renew passports due to heightened levels of scrutiny.

In 2020, the Indian government altered domicile legislation to make it easier for refugees and Indian nationals from outside Kashmir to establish permanent residency and obtain government jobs in the region, extending eligibility to those who had lived there for 15 years or studied there for seven years. The change would benefit many long-term residents who had lacked domicile status, but critics alleged that the government's aim was to alter the Muslim-majority territory's demographic composition. Tens of thousands of new domicile certificates have been issued. However, in October 2021, attacks on "non-locals" in the region caused the government to move thousands of migrants to safer locations and to assist some in returning to their places of origin.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are undermined by displacement and military activity related to the conflict, and the regulatory environment constrains the establishment and operation of new businesses.

In 2020, the Indian government substantially altered dozens of laws governing land ownership in Jammu and Kashmir, ending long-standing restrictions on property acquisition by people who were not permanent residents of the region. Ladakh was not immediately affected by those changes. The new legal framework also gave the government and the military enhanced powers to reserve and manage land for development and strategic purposes. In December 2021, the government held a real estate summit to encourage “external investment” in land in Jammu and Kashmir. The initiative was widely criticized by Kashmiri civil society groups and politicians, who expressed concern that the new laws would disadvantage the region’s Muslim majority.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Many women face domestic violence and other forms of abuse. There have been reports of women being killed in dowry disputes, and conservative social customs limit the choice of marriage partners for individuals.

Same-sex relations and same-sex marriage are both illegal in Jammu and Kashmir. In 2021, reports indicated that pandemic-related lockdowns produced a spike in domestic violence against LGBT+ individuals in the region.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Certain social groups are subject to economic marginalization, though some are also eligible to benefit from affirmative-action policies in areas such as employment and education. Child labor is reportedly prevalent in the region, and the government has taken few steps to combat it. In 2021, local NGOs reported that children were regularly lured to the region by traffickers who promised to provide them with education, but instead forced them to work as domestic servants. Militant groups have been accused of recruiting children as fighters.

Nagorno-Karabakh*

Population: 145,000

Freedom Status: Partly Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: The Republic of Nagorno-Karabakh, which also calls itself the Republic of Artsakh, has enjoyed de facto independence from Azerbaijan since a 1994 cease-fire agreement that ended roughly two years of open warfare, though its independence is not recognized by any UN member states. The territory’s population is mostly ethnic Armenians, and given its geographic and diplomatic isolation, it has been dependent on close political and economic ties with Armenia. However, a third of Nagorno-Karabakh and some adjacent land came under Azerbaijani control in 2020 under a cease-fire agreement that ended a weeks-long conflict that year.

KEY DEVELOPMENTS IN 2021

- As many as 70,000 Nagorno-Karabakh residents who fled for Armenia during the 2020 conflict returned by March. Residents from areas transferred to Azerbaijani control were unable or unwilling to return to those locations, however.
- Opposition groups organized regular rallies to address a variety of concerns during the year; protesters called for the resignation of President Arayik Harutyunyan, voiced dissatisfaction with the Armenian government, and called for more transparency in government-backed loans to affiliated businesspeople. Authorities made no attempts to disperse these events.
- While the 2020 cease-fire largely held, insecurity and violence still affected life in Nagorno-Karabakh. In August, the Azerbaijani prosecutor general reported that 23 Azerbaijani civilians were killed and another 36 were injured by mines in areas that were previously under Armenian control. In October, Russian peacekeepers reported that a farmer was killed by gunfire originating from Azerbaijani-controlled land.

POLITICAL RIGHTS: 16 / 40**A. ELECTORAL PROCESS: 7 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The president is directly elected for up to two five-year terms and is both head of state and head of government, with authority to appoint and dismiss cabinet members.

The most recent presidential election took place in March and April 2020, several months before Azerbaijani forces launched an attack on the territory. It was widely acknowledged as the most competitive in Nagorno-Karabakh's recent history. An unprecedented 14 candidates engaged in an intense electoral campaign that featured extensive in-person and social media campaign activities. Weeks of televised presentations of candidates' programs culminated in the territory's first-ever televised debates. First-round turnout stood at 72 percent and second-round turnout stood at 45 percent.

Arayik Harutyunyan, a former prime minister and local businessman, won a majority of votes in the second round. His main rival, acting foreign minister Masis Mayilyan, was one of only two candidates who refused to participate in the televised debates. Mayilyan received 12 percent of votes in the second round even after calling on supporters not to cast a vote, to prevent the further spread of the COVID-19 in the region. Both candidates criticized Nagorno-Karabakh's previous leadership figures allied with former Armenian president Serzh Sargsyan, who himself had resigned amid the 2018 protests in that country.

Many foreign observers were unable to attend due to the COVID-19-related closure of international borders. Local observers, including those trained and supported by Armenia's leading nongovernmental organizations (NGOs), said the vote was free and fair despite reports of administrative irregularities and verbal clashes at some polling stations. Past elections were marred by problems including a lack of genuine competition and alleged abuses of administrative resources.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Of the unicameral National Assembly's 33 members, all are elected by party list. Elections took place in 2020 in parallel with the presidential race. Ten political parties—almost twice more than in the 2015 elections—participated, organizing into two blocs. Parties campaigned freely in towns and villages and participated in televised presentations and debates.

The Harutyunyan-founded Free Motherland (Azat Hayrenik) party maintained its dominant legislative position, winning 16 seats. The newly formed Miasnakan Hayrenik (United Motherland) party, led by opposition politician Samvel Babayan, won nine. The remaining seats went to three other parties—the Armenian Revolutionary Federation–Dashnaksutyun, which won three seats; Ardarutyun (Justice), which also won three; and Artsakhi Zhoghovrdarakan Kusaksutyun (Democratic Party of Artsakh), which won two; these were generally associated with politicians from past ruling coalitions.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Amendments passed in 2014 led to some improvements to the electoral code. Among other changes, the number of parliamentary seats under the proportional system increased, and the vote threshold for representation decreased to 5 percent for political parties and 7 percent for electoral coalitions, allowing for broader political participation. Electoral-code changes adopted in July 2019 for the 2020 elections shifted the parliament to a fully proportional system, eliminating individual constituencies. No electoral-code changes have occurred since the 2020 cease-fire and shift in territorial control.

In contrast to past elections and the 2017 referendum, the 2020 presidential and parliamentary votes were not marred by significant criticism of electoral administration.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

There are few formal restrictions on political-party formation and membership, but the political landscape in past years has been constrained in practice. Given the territory's contested status, open dissent and vigorous competition have been regarded as signs of disloyalty or even as a security risk. This has been especially true after the 2020 conflict, which ended with a decline in Armenian military support.

Before the 2020 conflict, Nagorno-Karabakh had seen greater political activity since the 2018 revolution in Armenia. The 2020 electoral campaign featured open and vigorous competition between existing and newly formed political parties. Politicians freely discussed domestic issues, and some presented detailed plans to improve transparency, implement anticorruption reforms, and improve diversity in government. There were no reports of serious, undue pressure or attacks against candidates during the campaign. Local politicians remained vocal and united in their criticism of any attempt to propose unilateral concessions in peace talks with Azerbaijan and called for international recognition of the region's independence.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

During the past decade, the leading political parties have tended to form broad coalitions and co-opt potential rivals, precluding genuine opposition. However, the political opening in Armenia in 2018 brought considerable change to Nagorno-Karabakh's political environment, with a number of prominent politicians refraining from forming coalitions with the ruling elites ahead of the 2020 elections and instead campaigning independently.

The elections saw a record number of presidential candidates and political parties competing for power. Two leading presidential candidates stood in open opposition to the region's previous leadership. Five of the 14 presidential candidates ran as independents. Two

new parties gained parliamentary representation, including Miasnakan Hayrenik, which polled second and won nine seats.

The 2019 local elections also featured strong performances by independent and opposition candidates. Many seats went to candidates with no party affiliation, who made up more than half of the registered contenders for local leadership posts.

The results of the 2020 conflict provoked widespread discontent among residents who blamed current and former leaders of Nagorno-Karabakh and Armenia. This prompted local opposition activists and groups to mobilize supporters to hold frequent protests. Some opposition politicians have joined the territorial government's cabinet to monitor assistance programs aimed at displaced residents.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Politics in Nagorno-Karabakh are heavily influenced by the threat of military aggression, which has influenced the territory's political and financial dependence on Armenia. This dependence provided leverage for interference by Yerevan in Nagorno-Karabakh's domestic political affairs. Local elites also have political influence, including over the selection of senior leaders.

Relations with Yerevan have been significantly affected by the 2020 conflict and subsequent developments. After the close of hostilities, a number of Armenian and Nagorno-Karabakh officials complained about poor relations between Yerevan and Stepanakert, which they claimed was a key reason for the defeat in fighting with Azerbaijan. Soon after the cease-fire, President Harutyunyan returned several controversial politicians, who left due to conflicts with Armenian prime minister Nikol Pashinyan, to senior posts.

In contrast to past years, few senior Armenian officials have traveled to Nagorno-Karabakh during 2021, allegedly to avoid open attacks from local residents or possible problems with the Azerbaijani government. Yerevan has continued to provide subsidies and has financed programs that benefit Nagorno-Karabakh residents, however.

Following the 2020 conflict, Russian peacekeepers have played a significant security role in Nagorno-Karabakh. Russian peacekeepers maintain checkpoints throughout the region and are present at the Lachin transit corridor between Nagorno-Karabakh and Armenia; Russian peacekeepers also maintain close contact with Armenian and Azerbaijani military counterparts, escort residents, and mediate local disputes. In March 2021, Nagorno-Karabakh's National Assembly unanimously voted to make Russian an official language in the territory, citing a need to facilitate communication with peacekeepers and aid workers. Despite their growing influence in Nagorno-Karabakh, Russian peacekeepers have not interfered in local political life.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Before the 2020 conflict, the population was almost entirely ethnic Armenian as a result of displacement during the war in the 1990s. In accordance with the November 9, 2020, cease-fire agreement, thousands of Armenians fled from territories assigned to Azerbaijan, not including residents from about one-third of Nagorno-Karabakh itself. Tens of thousands of those who fled Nagorno-Karabakh for Armenia have returned, though returnees who lived in areas under Azerbaijani control have been unable or unwilling to return.

Formally, women have equal political rights, but social constraints and a prevailing sense of militarization in local life limit their participation in practice, and they are poorly represented in leadership positions. While the 2014 electoral code required parties to ensure

that women hold one in five of the places on their parliamentary lists, only five women won parliamentary seats in 2015. Before the 2020 elections, the gender quota was further increased to one in every four candidates on party lists, resulting in seven women taking seats in the new National Assembly. For the first time ever, the 2020 race included two female presidential candidates. Both received hundreds of votes. One of them, Bella Lalayan, campaigned for women's and social rights. In the 2019 local elections, women won about 11 percent of council seats and 2 percent of local leadership posts.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The ability of locally elected officials to set and implement government policies is limited in practice by security threats along the line of contact between Nagorno-Karabakh and Azerbaijani forces, warnings from Baku, and the dominant role played by the Armenian government. The constitution calls for close cooperation with Armenia on political, economic, and military policy.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Nagorno-Karabakh continues to suffer from significant corruption, particularly in the construction and infrastructure-development sectors. Officials practice favoritism in filling civil service positions.

C3. Does the government operate with openness and transparency? 1 / 4

A freedom of information law was adopted in 2004, but the government operates with little transparency in practice. Key decisions are negotiated by political actors, with few meaningful opportunities for public input. After the 2020 elections, President Harutyunyan invited his main opponents to take key government positions, suggesting this could result in more transparency for decision-making processes. Harutyunyan made a similar offer after the 2020 conflict.

After the cease-fire agreement was reached, local leaders asked Armenia-based and diaspora organizations to limit discussion on projects within the territory to avoid criticism from Baku.

In April 2021, protesters called on the government to disclose the fate of state-backed loans given to affiliated businesspeople. In September, a court in Stepanakert instructed the government to disclose information on the loans, though the government apparently did not comply by year's end.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

The Azerbaijani military's 2020 operation, which was aimed at gaining control of Nagorno-Karabakh, ruptured a cease-fire that, while frequently violated, had mostly prevented large-scale violence since 1994. That Russian-brokered agreement had been reached after Armenian forces captured the territory and seven adjacent Azerbaijani districts, and ethnic Azerbaijani residents fled or were expelled from the affected region.

During the six weeks of fighting between September 17 and November 9, 2020, human rights groups as well as local and international journalists documented attacks or evidence of attacks against the ethnic Armenian civilian population, as well as atrocities against ethnic

Armenian soldiers. Tens of thousands of ethnic Armenian civilians consequently fled Nagorno-Karabakh, with many saying they felt that their lives would be at risk if they stayed. Some 70,000 people who fled to Armenia had returned to Nagorno-Karabakh as of March 2021, though many returnees who previously lived in areas that came under Azerbaijani control during the conflict have been unable or unwilling to return to those locations.

CIVIL LIBERTIES: 20 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16****D1. Are there free and independent media? 2 / 4**

The most popular local television station is the government-run Artsakh TV. The station's editorial policy has changed significantly since the political opening in Armenia in 2018, and it has in recent years hosted a greater plurality of opinion, notably during the intense campaign period before the 2020 elections. Critics of the territory's leadership who were previously prevented from making even short appearances became regular guests on current-affairs programs. In addition, regular debates were organized to address prominent topics in local public life, including the first-ever debate of presidential candidates that March. Following the 2020 conflict, local media outlets continued to produce vibrant output, covering opposition rallies and government critics.

Social media platforms are increasingly used by the public and government officials for the dissemination and discussion of news. Young opposition leaders are well connected with independent media outlets in Armenia, which are able to convey their views to news consumers in Nagorno-Karabakh. In 2020, the Armenian media outlet CivilNet opened a permanent office in Stepanakert and hired local reporters to cover developments in Nagorno-Karabakh.

Nevertheless, many domestic journalists continue to practice self-censorship, primarily on subjects related to security and the peace process. The internet penetration rate is low and has been slow to increase. Mobile internet service remains unaffordable for most residents.

Foreign journalists saw their access to Nagorno-Karabakh restricted during 2021. In March, correspondents from the British Broadcasting Corporation (BBC) and US-based Vice News reported that they were denied permission to visit the territory. In April, Reporters Without Borders (RSF) noted that Russian peacekeepers prevented at least 10 foreign journalists from traveling into Nagorno-Karabakh via the Lachin corridor, calling on Moscow to ensure access.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees religious freedom but allows for restrictions in the name of security, public order, and other state interests. The charter also recognizes the Armenian Apostolic Church as the "national church" of the Armenian people. The religious freedom of other groups is limited in practice. A 2009 law banned religious activity by unregistered groups and proselytism by minority faiths and made it more difficult for minority groups to register.

The main mosque in the town known as Shushi to Armenians and Shusha to Azerbaijanis was restored and reopened in 2019. Services resumed when the Azerbaijani military took over the town during the 2020 conflict. During the conflict, the Azerbaijani army fully or partially destroyed a number of Armenian religious objects, notably Sourp Ghazanchetsots Cathedral and Kanach Zham, in the same town.

Russian peacekeepers took control of the Armenian monasteries of Amaras and Dadi-vank, which are near or within Azerbaijani-controlled territory as a result of the cease-fire

agreement, and escorted groups of pilgrims to attend services at these cathedrals after the cease-fire. Azerbaijani authorities ordered Armenian Apostolic clergy to provide lists of pilgrims to Dadivank in February 2021. Azerbaijani forces prevented visits to Dadivank beginning in May.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Schools and universities are subject to political influence and pressure to avoid dissenting views on sensitive topics, particularly those related to the territory's status and security. Educators engage in a degree of self-censorship on such issues.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally open and free, though expression of dissent may be inhibited somewhat by the prevailing nationalist sentiment in politics and society.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (+1)

E1. Is there freedom of assembly? 3 / 4 (+1)

While Nagorno-Karabakh authorities have disrupted rallies in the past, freedom of assembly has been recently respected. In 2020, Stepanakert saw major election-related rallies, including those calling for the vote to be postponed due to the COVID-19 pandemic and decrying alleged electoral irregularities. Those rallies were held without interruption from the authorities.

Since the 2020 conflict, Nagorno-Karabakh has seen regular protest activity. Since February 2021, a variety of groups organized marches; among other things, participants called for the resignation of President Harutyunyan, voiced dissatisfaction with the government in Yerevan, and called for more transparency in government-backed loans. Authorities made no attempts to disperse these protests.

Score Change: The score improved from 2 to 3 because public assemblies were generally able to proceed without disruption from authorities during the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

More than 250 NGOs are registered in Nagorno-Karabakh, but most are inactive. Many groups struggle to secure sustainable funding, in part because partnerships with foreign or international NGOs are complicated by Nagorno-Karabakh's disputed status. Civil society groups also face competition from government-organized entities.

The Armenian government funded the monitoring of Nagorno-Karabakh's 2020 elections by Transparency International's (TI) affiliate in Armenia and the Stepanakert office of the Yerevan-based Union of Informed Citizens. Shortly before the vote, the TI affiliate refused to send observers, citing the spread of COVID-19 in the region. Nevertheless, some of their local activists still participated in observation missions and in some cases continued cooperating with the NGOs after the elections.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions are allowed to organize, but in practice they are weak and relatively inactive, with little practical ability to assert workers' interests. Many labor disputes are resolved through personal connections and family links before they reach local courts.

F. RULE OF LAW: 3 / 16**F1. Is there an independent judiciary? 1 / 4**

The judiciary is not independent in practice. The courts are influenced by the executive branch as well as by powerful political, economic, and criminal groups.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The constitution guarantees basic due process rights, but police and the courts do not always uphold them in practice. Outspoken political dissidents have been subject to harassment by the authorities.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The civilian population of Nagorno-Karabakh was subjected to indiscriminate violence and targeted atrocities by Azerbaijani forces during the 2020 conflict. Abuses included the use of cluster munitions, white phosphorous bombs, and other heavy weapons in attacks that failed to distinguish between military and civilian targets, including against residential areas in the main towns and villages. Rights groups and journalists reported instances of civilians facing physical attack, detention, torture, and degrading treatment by Azerbaijani forces; the British *Guardian* newspaper reported on the beheading of two noncombatants by Azerbaijani forces, videos of which had been shared on social media. Attacks on dual-use infrastructure, such as telecommunications and electricity facilities, damaged civilian sites such as churches, schools, and private businesses. Nagorno-Karabakh's human rights ombudsman reported that 52 ethnic Armenian civilians were killed by Azerbaijani attacks on the territory. In accordance with the November 9, 2020, cease-fire statement, Azerbaijan gained control over seven adjacent territories and parts of Nagorno-Karabakh itself, with the new line of contact running near or within civilian-populated areas.

Local officials and international human rights groups documented beheadings of Armenian soldiers, mutilation of their corpses, and torture of prisoners of war (POWs) by Azerbaijani soldiers, with footage of many such instances shared widely on social media. Footage also circulated of Azerbaijani soldiers desecrating graveyards. Over 100 Armenian POWs and detained civilians were released by Azerbaijani authorities during 2021, though the Armenian ombudsman reported that at least 41 POWs and 4 civilians remained in custody in September.

Amnesty International reported instances where ethnic Armenian forces committed abuses against their counterparts during the conflict, including several instances of corpse mutilation and the death of a POW. In June 2021, the International Partnership for Human Rights reported on the existence of videos that apparently depict the extrajudicial killings of Azerbaijani soldiers by Armenian or Nagorno-Karabakh fighters.

Violence and insecurity continued to affect life in Nagorno-Karabakh since the cease-fire took effect. In August, the Azerbaijani prosecutor general reported that 23 Azerbaijani civilians were killed and another 36 were injured by mines in areas that were previously under Armenian control. In October, Russian peacekeepers reported that a farmer was killed by gunfire originating from Azerbaijani-controlled land.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The constitution bans discrimination based on gender, ethnicity, religion, and other categories. However, women are underrepresented in the public and private sectors and remain exposed to discrimination in practice. Before the 2020 conflict, to preserve the Armenian character of the territory, state policies promoted Armenian language and culture and had

encouraged ethnic Armenians to migrate to Nagorno-Karabakh, partly through housing and other subsidies. However, this practice has been halted due to the increased demand for housing, prompted by the displacement of residents from Azerbaijani-controlled areas.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Freedom of movement within Nagorno-Karabakh is hindered by its ambiguous legal and diplomatic status, the instability of the cease-fire, and the presence of land mines, which continue to cause deaths and injuries.

During the 2020 conflict, half to over 70 percent of the population of Nagorno-Karabakh fled the conflict zone. Some 70,000 of those who fled for Armenia in 2020 returned by March 2021, though many returnees remain internally displaced within Nagorno-Karabakh.

Individuals who do not hold Armenian citizenship require a visa from the Nagorno-Karabakh government as of February 2021. Russian peacekeepers are able to review visa applications.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Most major economic activity is tightly controlled by the government or a small group of powerful elites with political connections. The property rights of Azerbaijanis displaced in the 1990s and Armenians after the 2020 conflict have yet to be adequately addressed.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Men and women have equal legal rights with respect to marriage and divorce, though the constitution defines marriage as a union between a man and a woman, precluding same-sex marriage. The government offers material incentives to encourage couples to have children. Domestic violence is common and not effectively prosecuted.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Employment opportunities remain scarce and are mostly confined to the state sector or state-subsidized businesses.

Northern Cyprus

Population: 382,000

Freedom Status: Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: The Turkish Republic of Northern Cyprus (TRNC) is a self-declared state recognized only by Turkey. Civil liberties are generally upheld, and the multiparty political

system is largely democratic, though it has experienced growing interference from the Turkish government. Other ongoing concerns include corruption, discrimination against minority communities, and human trafficking.

KEY DEVELOPMENTS IN 2021

- The internal checkpoints between the island's north and south reopened in June, after several months of strict limitations prompted by the COVID-19 pandemic.
- In May, the government announced an investigation in response to press reports alleging that TRNC citizenships were being granted through bribery or for political reasons in advance of parliamentary elections.
- After a series of parliamentary boycotts and coalition difficulties that deprived the government of a working majority, Prime Minister Ersan Saner of the right-wing nationalist National Unity Party (UBP) resigned in October. He was replaced in November by newly selected UBP leader Faiz Sucuoğlu, who formed an interim minority government, and elections were formally scheduled for January 2022.

POLITICAL RIGHTS: 27 / 40 (-1)**A. ELECTORAL PROCESS: 9 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4**

The president, who serves as head of state and represents the TRNC internationally, is popularly elected to five-year terms. In the 2020 presidential election, incumbent Mustafa Akıncı ran as an independent with the backing of the social democratic Communal Democracy Party (TDP). He was defeated by then prime minister Ersin Tatar of the UBP, the Turkish government's preferred candidate, who took nearly 52 percent of the vote in the second round.

The election period featured highly unusual and overt interference by Turkish authorities on Tatar's behalf; during his term as president, Akıncı had repeatedly criticized the Turkish government, including for meddling in TRNC politics. Among other actions by Turkish representatives, the communications adviser for the Turkish vice president arrived to aid Tatar's campaign, and the Turkish embassy allegedly contacted mayors and village leaders to ask them what they needed in exchange for their support. Reports later emerged that Turkish government and intelligence officials had threatened Tatar's opponents, including Akıncı, as well as Turkish Cypriot businesses with interests in Turkey. In the week before the second-round vote, the UBP distributed favors in villages, while Tatar's government disbursed financial aid, ostensibly to compensate for losses during the COVID-19 lockdown.

The president appoints the prime minister and cabinet members, who must have the support of a legislative majority. After winning election as president, Tatar resigned as prime minister and head of the UBP. Ersan Saner became the new UBP leader and eventually formed a ruling coalition with the center-right Democratic Party (DP) and the Rebirth Party (YDP), a right-wing group backed primarily by settlers from Turkey. However, the coalition struggled to achieve a quorum amid parliamentary boycotts by opposition parties, and it lost its slim majority in July 2021, when a leader of YDP announced his resignation and his intention to form a new party. Finally, in October 2021, the prime minister resigned. Faiz Sucuoğlu was chosen as the new UBP leader that month, and in early November President Tatar gave him the mandate to form an interim government that would serve until parliamentary elections could be held. The early elections were then scheduled for January 2022.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

For elections to the 50-seat Assembly of the Republic, the TRNC employs a mixed voting system, with the proportional representation component setting a 5 percent vote threshold for parties to win seats. Members serve five-year terms. In the 2018 elections, which were generally regarded as open and competitive, the UBP led with 21 seats, followed by the center-left Republican Turkish Party (CTP) with 12 seats, the People's Party (HP) with 9, the TDP and DP with 3 each, and the YDP with 2.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Supreme Election Committee is an independent body composed of judges, and elections in the TRNC have generally been considered free and fair, though the degree of Turkish government interference in the 2020 presidential vote called this into question.

A complex new election law that came into effect in 2018 allowed voters to choose a single party, individual candidates from multiple parties, or a combination of the two; voters were also able to choose candidates across more than one multimember constituency. The law made it more complicated to vote for individual candidates and therefore encouraged party voting.

During the 2020 presidential election, several hundred citizens were prohibited from voting because they were under quarantine in connection with the COVID-19 pandemic.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Turkish Cypriots are free to organize in political parties, and several parties compete in practice. Six parties were represented in the legislature as of 2021, including two—HP and YDP—that entered the chamber for the first time after the 2018 elections. Under a 2015 law, parties that receive at least 3 percent of the vote may obtain state funding.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple transfers of power between rival parties over the past two decades, with shifts in both the presidency and the premiership. Akıncı ousted the incumbent president in the 2015 election, only to lose office himself in the 2020 balloting. A series of different governing coalitions have controlled the cabinet since the 2018 legislative elections, and opposition parties retained a strong position in the assembly as of 2021.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Although the Turkish government has always exercised considerable influence over the TRNC, in the past it had little direct control over voters, many of whom have supported candidates and parties that displayed independence from Ankara. In the 2020 presidential election, however, the Turkish government engaged in an explicit campaign of inducements and threats against Akıncı and in support of his main rival, Tatar. Support for Tatar's UBP had already been strong in rural areas, particularly among those who viewed the party's patronage network as a way to access jobs and favors. That network, in turn, depended in part

on a steady flow of economic support from Turkey, and Ankara's open opposition to Akıncı raised the prospect that such support could be cut off if he won reelection.

The Turkish government's interference in the process reportedly continued when, following Tatar's election as president in October 2020, the UBP began an intraparty contest to decide on a new party leader and prime minister. Pressure from Turkish government representatives allegedly resulted in the withdrawal of the two leading candidates and an interim selection, Saner, who was supported by Ankara. After Saner's premiership ended with his resignation in October 2021, Sucuoğlu—who had been the favorite to win the original contest in 2020—was elected party leader and became interim prime minister in November.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

All adult citizens may vote, but the rights of minority populations remain a concern. The few hundred Maronite and Greek Cypriots living in the TRNC are issued special identity cards and are unable to vote in TRNC elections. While small numbers of Maronites from the south have been allowed to resettle in their ancestral villages in the north since 2017, there has been no significant progress on expanding Maronite political rights.

Women have full political rights, and a 2015 law requires 30 percent of a party's parliamentary candidate list to consist of women. However, women's political participation is limited in practice, particularly in leadership positions. In the 2018 elections, women won nine seats out of 50, an improvement from four in the previous legislature. No female candidates ran in the 2020 presidential race.

There have been recurring questions about the number of naturalized TNRC citizens originally from Turkey, their voting habits, and the manner in which they acquired citizenship. Immediately after the Turkish invasion and Cyprus's division in 1974, an agreement between the Northern Cyprus administration and the Turkish government brought around 25,000 Turkish farmers and workers to the island and gave them citizenship rights. This group primarily comprised people who had been displaced by development projects in Turkey and came from many ethnic backgrounds and political persuasions. After 1979, this facilitated migration ended, and Turkish civilians arriving in Northern Cyprus since then have come on their own initiative. Naturalized citizens account for about a third of the citizen population, according to some estimates. Their voting patterns remain pluralistic, with most endorsing conservative parties but many also supporting the CTP.

C. FUNCTIONING OF GOVERNMENT: 6 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (-1)

While elected officials have generally developed and implemented policies and legislation without direct interference from Ankara, the TRNC remains diplomatically, militarily, and financially dependent on Turkey, and this dependence sometimes allows the Turkish government to influence policymaking.

President Akıncı showed considerable independence from the Turkish government, creating a rift with Turkish president Recep Tayyip Erdoğan that resulted in overt Turkish intervention in the 2020 presidential election. Under President Tatar and the right-wing coalition that formed after his victory, the government was marked by a greater public deference to Ankara on policy and personnel matters, and by significant instability, including repeated struggles to achieve a parliamentary quorum amid boycotts by opposition lawmakers. Among other signs of Turkish interference during 2021, the government agreed in July to

remove the territory's mufti—a civil servant in the TRNC—and replace him with a theologian from Turkey. The government also faced allegations that it was naturalizing citizens in large numbers for political reasons under pressure from Ankara. Meanwhile, the denial of quorum disrupted work on key legislation, including the annual budget bill.

Score Change: The score declined from 3 to 2 because the government demonstrated greater deference to Ankara on domestic policy and struggled to function in the face of opposition boycotts that deprived the parliament of a quorum.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption, cronyism in the distribution of civil service jobs, and nepotism are serious impediments to good governance, and the media have exposed a number of scandals in recent years. Surveys of businesspeople in Northern Cyprus have shown that large majorities consider corruption and bribery to be significant problems, including in the public sector and government services. In May 2021, the government announced an investigation in response to media reports that raised concerns about bribery in the granting of TRNC citizenship.

C3. Does the government operate with openness and transparency? 2 / 4

Although there is a law providing for access to information, there has been very little progress in making government records available to the public in practice. Information is not always kept in an accessible form, and officials reportedly withhold data on sensitive topics such as the naturalization of Turkish nationals as TRNC citizens.

CIVIL LIBERTIES: 50 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is guaranteed by law, and TRNC authorities generally respect it in practice. The media often carry sharp criticism of both the TRNC and Turkish governments. However, a new information technology law enacted in 2020 enables the authorities to shut down websites that carry illegal content, including material that is deemed to violate existing laws on libel and insult. Consolidation of private media ownership is also a concern. Some journalists have reported threats and harassment in response to their work, including those who examine suspected ties between state authorities and organized crime.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The TRNC is a secular state and legally guarantees freedom of worship, which is mostly respected in practice. However, authorities continue to impose restrictions on access to churches and otherwise interfere with church services. Christians and non-Sunni Muslims have complained that the government favors Sunni Islam in its policies on religious education and places of worship. The government's Religious Affairs Department staffs Sunni mosques with imams.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected. While large numbers of teachers and professors have been fired or jailed for political reasons in Turkey since 2016, no similar purges had occurred in the TRNC as of 2021.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on freedom of private discussion in Northern Cyprus, and individuals generally do not face repercussions for expressing their political views on social media. While the 2020 information technology law included provisions that could restrict online speech, no major enforcement actions have been reported.

However, in a development that could affect personal expression in the territory, at least three TRNC citizens who intended to enter Turkey were detained at Turkish airports during 2021 and deported because of their political opinions on issues like Cypriot reunification. Among these were the head of the local Press Workers' Union and the press officer for former president Akıncı. Despite repeated inquiries, neither Ankara nor the TRNC government would release a list of people who may be subject to such entry restrictions.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is guaranteed by the constitution and generally upheld in practice. The health threat posed by COVID-19 has resulted in some limitations on public gatherings since 2020, though the restrictions were not considered to be abusive or disproportionate.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Numerous nongovernmental organizations are registered in the TRNC, and they typically operate without restrictions. Many such groups have worked with Greek Cypriot partners to advance reunification efforts.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers may form independent unions, bargain collectively, and strike. Collective bargaining is reportedly common in the public sector. However, the government can limit strikes in ill-defined essential services, and employers are reportedly able to obstruct unionization in the private sector without legal repercussions.

F. RULE OF LAW: 13 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent, and courts have often ruled against the government in recent years. The system is overseen by the Supreme Council of Judicature, which is headed by the president of the Supreme Court and includes that court's seven judges as well as one member each appointed by the president, the legislature, the attorney general, and the bar association. The council is responsible for judicial appointments, promotions, assignments, and disciplinary measures.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Although due process rights are typically respected, police have been accused of violating protections against arbitrary detention and coerced confessions in some cases, for example by improperly denying suspects access to a lawyer.

There had been no large-scale purges of TRNC security forces or other public employees in connection with the 2016 coup attempt in Turkey as of 2021, but due process has been a concern in the clusters of cases that have emerged. Investigations and dismissals of police officers have been reported, for example, with those fired accused of ties to the movement

of US-based Islamic preacher Fethullah Gülen, which is blamed for the coup attempt and considered a terrorist organization in Turkey. Some Turkish military personnel stationed in Northern Cyprus have been arrested on similar allegations.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

The population is generally free from threats to physical security, but police have been accused of abusing detainees, and prisons feature overcrowding and other harsh conditions.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women enjoy legal equality, but in practice they encounter some discrimination in employment, education, and other areas.

The tiny Greek and Maronite minority communities live in enclaves and suffer from social and economic disadvantages. The small Kurdish population is reportedly subject to discrimination in employment. Both groups have complained of surveillance by TRNC authorities.

LGBT+ people reportedly face social stigmatization, though same-sex sexual activity was decriminalized in 2014, and discrimination based on sexual orientation or gender identity is prohibited by law.

The TRNC lacks legal protections for asylum seekers, raising concerns about possible refoulement. Some Turkish nationals suspected of belonging to the Gülen movement have been deported to Turkey, where they face persecution.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Movement within the TRNC territory is generally unrestricted. However, travel abroad is complicated by the TRNC's lack of international recognition. The only direct flights from the TRNC are to Turkey. Most governments do not accept TRNC travel documents, so many Turkish Cypriots carry Republic of Cyprus passports, for which they are eligible. Movement across the UN buffer zone dividing the island has improved since 2004 due to the opening of new border crossings. Checkpoints at the crossings were reopened in June 2021 after several months of closures due to the COVID-19 pandemic.

A number of former civilian municipalities have been under Turkish military control since 1974, with bans on settlement or resettlement. In 2020, with Ankara's support, the government partially opened the closed town of Varosha (Maraş), which had once been a popular tourist destination. The move drew objections from Varosha's former Greek Cypriot residents and the UN Security Council, which had long warned against any unilateral change in the town's status or settlement by people other than its previous inhabitants. After President Tatar announced plans to move forward with a second phase of the reopening in July 2021, the Republic of Cyprus government said it would revoke the passports of TRNC officials involved in the process.

During 2020, the government installed hundreds of surveillance cameras in an integrated system across the territory. Similar systems have been deployed in Turkey to monitor the population, particularly in cities. In Northern Cyprus, the cameras were installed even in small villages, and it was not clear how the information collected would be used. They were expected to be operated by police, but the chain of command for the Turkish Cypriot police is tied to the Turkish military.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The authorities recognize the rights to own property and establish businesses. In practice these rights are somewhat limited, as authorities have in various ways attempted to prevent the sale of historically Turkish Cypriot properties to foreigners. The TRNC formed the Immovable Property Commission (IPC) in 2006 to resolve claims by Greek Cypriots who owned property in the north before the island's 1974 division. In 2010, the European Court of Human Rights recognized the commission as an "accessible and effective" mechanism. However, its work has been seriously impaired in recent years by a lack of funding from the government and Ankara.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected, though women's organizations have criticized the government for failing to adequately address the problems of rape and domestic violence. According to multiple surveys in recent years, about one in three women have experienced such violence. However, figures released in late 2019 suggested that reporting of abuse was increasing significantly, with police in 2018 receiving 1,047 reports—four times the average from previous years.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

While TRNC citizens generally have access to economic opportunity and protections from abusive working conditions, noncitizens often experience exploitation and lack mechanisms for appeal. During the early phases of the COVID-19 pandemic in 2020, many temporary workers from Turkey were returned to that country without pay. The pandemic has led to hardships for many local workers as well, though civil servants received their pay without interruption even during lockdowns.

Human trafficking and forced prostitution are serious problems, despite a nominal legal ban on prostitution. Foreign women employed in the territory's nightclub sector are particularly exposed to exploitative conditions. The TRNC formally criminalized trafficking for the first time in 2020, but it does not fund enforcement efforts or provide protection or services to victims. Observers also report that some authorities are complicit in trafficking.

Pakistani Kashmir

Population: 5,500,000

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Pakistani Kashmir is administered as two territories: Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB). Each has an elected assembly and government with limited autonomy, but they lack the parliamentary representation and other rights of Pakistani

provinces, and Pakistani federal institutions have predominant influence over security, the courts, and most important policy matters. Politics within the two territories are carefully managed to promote the idea of Kashmir's eventual accession to Pakistan. Freedoms of expression and association, and any political activity deemed contrary to Pakistan's policy on Kashmir, are restricted.

KEY DEVELOPMENTS IN 2021

- In February, the Pakistani and Indian armies agreed to restore the 2003 cease-fire across the Line of Control (LoC). This agreement came after five years of sporadic fighting that caused civilian casualties and local displacement in AJK; the renewal of the cease-fire allowed for significant normalization of civilian life in the areas adjoining the LoC.
- Legislative elections were held in AJK in July. Pakistan's ruling party, the Pakistan Tehreek-e-Insaf (PTI) took 32 of 53 seats; the new legislature elected PTI representatives Abdul Qayyum Niazi and Barrister Sultan Mahmood as prime minister and president, respectively.
- GB's constitutional status remained unchanged but maneuvering to give it provisional status as a Pakistani province continued. The Pakistan Law Ministry drafted a constitutional amendment to prepare for potential future change to GB's status.

POLITICAL RIGHTS: 9 / 40

A. ELECTORAL PROCESS: 4 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

Both AJK and GB have locally elected executive leaders. However, the Pakistani government also controls—directly and indirectly—key executive functions, and it is not accountable to voters in the two territories.

Under AJK's 1974 interim constitution, a president elected by the Legislative Assembly serves as head of state, while the elected prime minister is the chief executive. After the July 2021 election, which saw the PTI win a majority in the assembly, PTI representative Abdul Qayyum Niazi was elected as prime minister; he had been nominated to the position by the Pakistani Prime Minister and overall PTI head Imran Khan. Barrister Sultan Mahmood, a veteran politician and AJK head of the PTI, was elected to the presidency.

An AJK Council based in Pakistan's capital, Islamabad, comprises both Kashmiri and Pakistani officials and is chaired by the Pakistani prime minister. The council holds a number of executive, legislative, and judicial powers, such as control over the appointment of superior judges and the chief election commissioner.

Under the Government of Gilgit-Baltistan Order 2018—adopted by the Pakistani government to replace GB's previous basic law, the 2009 Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO)—executive functions are shared between a Pakistani-appointed governor and a chief minister chosen by the GB Assembly (GBA). The governor signs legislation and has significant power over judicial appointments; the governor's decisions cannot be overruled by the GBA. The order also grants extensive authority to the Pakistani prime minister, including exclusive executive and legislative powers on a long list of topics.

Khalid Khurshid Khan of the PTI was elected as GB chief minister in December 2020 after assembly elections returned a PTI majority. In 2018, the Pakistani Prime Minister appointed Raja Jalal Hussein Maqpoon, then PTI party chief in GB, as governor of the territory.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The AJK Legislative Assembly has 53 seats, including 45 directly elected general seats, 5 seats reserved for women, and 3 seats reserved for clerics, technocrats, and overseas Kashmiris; 12 of the general seats are elected by Kashmiri migrants resident in mainland Pakistan. Assembly elections were held in AJK in July 2021, with a 62 percent turnout. Most seats were filled by representatives of Pakistan's main national political parties, though the AJK-based Muslim Conference and Jammu Kashmir People's Party (JKPP) each took one seat. Pakistani Prime Minister Imran Khan's PTI won a majority in the Assembly, with 26 elected seats, while the Pakistan People's Party (PPP) won 11 seats and the Pakistan Muslim League–Nawaz (PML-N) filled 6. After the allocation of reserved seats, PTI obtained 32 out of 53 seats in the Assembly. This followed the well-established pattern for AJK and GB, whereby the party in power at the federal level in Pakistan tends to win elections in Pakistani Kashmir.

Isolated incidents of voting interference were reported following the 2021 elections, and three campaign workers were killed in election violence. The PML-N made allegations of poll rigging, but did not mount a sustained challenge to the election result.

The 33-member GBA is composed of 24 directly elected members, six seats reserved for women, and three seats reserved for technocrats. The GBA's legislative authority is limited to certain subjects, and even discussion of some topics—foreign affairs, defense, internal security, and judicial conduct—is prohibited by the Government of Gilgit-Baltistan Order 2018. However, the order does allow the GBA to exercise legislative powers that were previously allocated to the Gilgit-Baltistan Council (GBC). The council, which now has an advisory role, is headed by the Pakistani prime minister and vice-chaired by the GB governor and includes six members chosen by the GBA and six Pakistani ministers or Parliament members chosen by the Pakistani prime minister. The GB chief minister also has a seat.

Elections to the GB Assembly were held in November 2020. The PTI emerged as the largest party, with 10 of the 24 directly elected seats. Several independents then opted to join the PTI, and after the reserved seats were filled through proportional representation, the party controlled 22 out of 33 seats. All the main Pakistani parties campaigned extensively in GB. The PPP and PML-N—which took five and three seats, respectively—both initially complained of election rigging and refused to accept the results, but they eventually took up their seats in the new assembly. Smaller parties secured the remaining three seats.

Neither AJK nor GB is represented in the Pakistani Parliament.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral framework in both territories facilitates indirect control by the Pakistani authorities. For example, the AJK Council appoints the chief election commissioner, and the electoral system for the AJK Legislative Assembly disproportionately favors nonresident refugees over AJK residents. The nonresident elections are more vulnerable to manipulation by federal Pakistani authorities, and the party in office at the federal level tends to win these seats. Candidates in the AJK elections must formally endorse “the ideology of Pakistan” and Kashmir's accession to Pakistan.

The election code of conduct for GB requires parties and candidates to refrain from any action or speech that could be deemed prejudicial to the “ideology of Pakistan” or the country's security. Like the similar rule in AJK, this vague provision can be used to exclude candidates associated with nationalist parties or those disapproved of by the Pakistani authorities.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Politics in both AJK and GB are dominated by local branches of the main Pakistani parties and some local parties, such as AJK's Muslim Conference, that are closely allied with the Pakistani establishment. Small nationalist parties that are opposed to union with Pakistan are actively marginalized or barred outright from the political process, and they played no significant role in the 2020 GB elections, though one nationalist retained a seat. Activists accused of opposition to Pakistani rule have been subject to surveillance, harassment, and sometimes imprisonment. The interim constitution of AJK bans political parties that do not endorse the territory's eventual accession to Pakistan, and similar rules prevail in GB.

In December 2021, AJK authorities banned human rights activist Manzoor Pashteen, the leader of the Pashtun Tahafuz Movement (PTM), from entering the territory. The PTM, a social movement supporting Pashtun human rights, has been openly critical of the Pakistani state; AJK's ban reflects the position of Pakistani security agencies, which view PTM as operating with an anti-Pakistan agenda.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

There is ample precedent for transfers of power between the major parties, though these are typically dictated by parallel changes at the federal level in Pakistan.

Prior to the 2021 elections in AJK, the PML-N was the incumbent party in the region, while the PTI was the incumbent party in Pakistan. Both parties sought to leverage incumbency advantages in the 2021 elections, which were ultimately won by the PTI.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Because voters in GB and AJK cannot participate in Pakistani elections, Pakistani federal officials and entities are not democratically accountable to them. Security agencies operating in both territories are federal institutions. They work to block and suppress any parties or politicians that adopt positions deemed to conflict with Pakistani interests.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Men and women have the right to vote in both territories. Although there is no bar on women contesting general seats, women rarely exercise this right in practice. Instead, general seats tend to be filled by men. The seats reserved for women are filled proportionally from party lists based on the general vote, meaning the parties themselves determine who will represent women's interests. In the 2020 GB elections, only four women stood for general seats.

Shiite Muslims, Sunni Muslims, and members of the Ismaili offshoot of Shia Islam are represented in the GBA, having won directly elected seats. The heterodox Ahmadi sect, which suffers systematic discrimination in Pakistan, is poorly represented in GB's political system, as is the Christian minority.

C. FUNCTIONING OF GOVERNMENT: 3 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4**

The powers of the elected chief executives in AJK and GB are limited by the fact that the Pakistani prime minister, the Pakistani minister for Kashmir Affairs and Gilgit-Baltistan, and through them the federal civil service, exercise effective control over government operations in both territories. As in Pakistan, federal military and intelligence agencies also play a powerful role in governance and policymaking.

The territories lack any meaningful fiscal autonomy, as federal taxes are imposed on both, and they receive a share of the resulting funds from the federal government. The territories' local representatives are excluded from the Pakistani bodies that negotiate inter-provincial resource allocation.

There has been a sustained debate on the idea of enhancing GB's status in the Pakistani constitution by designating it as a provisional province, granting its legislators powers on par with those delegated to Pakistan's four existing provinces, and giving GB representation in the federal Parliament. Despite significant opposition to a change in GB's status in both AJK and the Pakistani establishment, in 2019 the Pakistani Supreme Court instructed the Pakistani government to fully address GB's constitutional status. In August 2021, it was reported that Pakistan's Law Ministry had drafted a constitutional amendment that would allow residents of GB to elect members to Pakistan's National Assembly and extend the remit of Pakistan's Supreme Court and other federal institutions to the territory.

The debate continued in 2021, and in March, the GBA passed a resolution demanding that Pakistan grant GB provisional provincial status. However, decision-making authority regarding a new status remained concentrated in Islamabad rather than GB itself.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Both territories have formal safeguards against official corruption, and GB is within the jurisdiction of Pakistan's National Accountability Bureau, which has a field office in Gilgit. However, as in Pakistan, corruption is believed to remain endemic, with enforcement actions subject to political influence.

C3. Does the government operate with openness and transparency? 1 / 4

Transparency and access to government information are limited in practice. The AJK and GB governments have made gestures toward transparency by posting basic information about their operations online, but such disclosures remain infrequent and inadequate.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0

The Sunni Muslim share of the population in GB—historically a Shiite-majority region—has increased significantly in the decades since a pre-1947 rule was abolished to allow immigration from different parts of Pakistan. State agencies are suspected of deliberately encouraging this migration to engineer a demographic change. Under the 2009 GBESGO, settlers were given formal citizenship rights in GB; critics of a clause in the Government of Gilgit-Baltistan Order 2018 have argued that it appears to extend GB citizenship rights to all Pakistani citizens, further encouraging settlement. The pre-1947 restrictions on acquiring residency and citizenship are still in place in AJK and have assumed greater significance since the Indian authorities eased similar restrictions in Indian-administered Jammu and Kashmir in early 2020.

CIVIL LIBERTIES: 20 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16**D1. Are there free and independent media? 1 / 4**

AJK and GB are subject to laws that curb freedom of expression, particularly regarding reporting or commentary on the political status of the territories. Media houses need permission from the AJK Council and the federal Ministry of Kashmir Affairs and Gilgit-Baltistan to operate. A wide range of outlets are present and active. However, coverage of news and politics does not diverge from official Pakistani narratives, including the notions that India's hold over the Kashmir Valley is illegitimate and all Kashmiris seek accession to Pakistan. This compliance is achieved through a mixture of censorship, self-censorship, and harassment. A number of outlets have faced closure by authorities in recent years.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Both territories have a predominantly Muslim population, and there is no official or social tolerance of nonbelief. Tools used to compel expressions of belief and conformity with official interpretations of religious doctrine include laws criminalizing blasphemy, rules requiring observance of Ramadan, and an obligation to denounce the heterodox Ahmadi sect to obtain a Pakistani passport. Although there is a history of Sunni-Shiite sectarian violence in GB, no major incidents have been reported in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Each territory is home to a growing education system, and education is much valued as a path to migration and employment. However, in academia there are acute sensitivities around the issue of constitutional status, and debate or materials questioning Pakistan's claims over Kashmir are not tolerated. Student union activity has long been subject to state monitoring for signs of nationalist political views. Local languages and scripts are not taught in government schools. There is a history of attacks on schools in the Darel Valley by Islamist militants who oppose secular and girls' education.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Federal intelligence agencies maintain a prominent and intrusive presence in both territories. Discussion of heterodox political or religious views consequently carries significant risks. The authorities have increased their monitoring of social media and sporadically punish expression of anti-Pakistan or separatist opinions.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12**E1. Is there freedom of assembly? 1 / 4**

The authorities' observance of freedom of assembly is highly discretionary. The Pakistani state traditionally uses AJK as a platform to protest against Indian control of Jammu and Kashmir and the treatment of the population on the Indian side of the LoC. Protests that do not directly challenge Pakistani control or the territories' constitutional status are more likely to be tolerated. The authorities rely on harassment, intimidation, and the use of security checkpoints to deter protests in opposition to government policies.

In 2021, police were deployed to disperse both spontaneous and organized protests in AJK and GB, including an AJK teachers' demonstration in Muzaffarabad and a protest demanding justice after a mass shooting in GB.

The main political parties were all able to campaign and hold large public meetings ahead of the 2021 AJK elections.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Humanitarian nongovernmental organizations (NGOs) are subject to strict registration requirements and thus operate at the pleasure of the authorities. NGOs working on political or human rights issues face more intrusive government scrutiny and, in some cases, harassment.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

AJK is subject to labor laws similar to those in Pakistan. However, unions and professional organizations are frequently barred. Labor laws and union activities are poorly developed in GB.

F. RULE OF LAW: 4 / 16 (+1)

F1. Is there an independent judiciary? 1 / 4

Both territories have nominally independent judiciaries, but the Pakistani federal government plays a powerful role in judicial appointments. On politically sensitive issues, the AJK and GB courts are not considered to operate with independence from the executive in Pakistan.

The president of AJK, in consultation with the AJK Council, appoints the chief justice of the territory's Supreme Court. Other judges of the superior courts are appointed by the AJK president on the advice of the council, after consultation with the chief justice. The chief judge and other judges of GB's Supreme Appellate Court are appointed for three-year terms by the prime minister of Pakistan on the recommendation of the governor. In its 2019 ruling on GB's 2018 governance order, the Pakistan Supreme Court essentially extended its jurisdiction to GB residents and courts, adding to the legal ambiguity surrounding the territory's constitutional status.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The civilian court systems in both territories feature basic due process guarantees, including defense lawyers and a right to appeal, but arbitrary arrests and other violations are not uncommon, particularly in security-related cases. Pakistan's Anti-Terrorism Act (ATA), which is often used to suppress dissent, includes vaguely defined offenses, allows extended detention without trial, and applies to juveniles, among other problematic features.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4 (+1)

Torture and deaths in custody at the hands of security forces have been reported, especially for independence supporters and other activists. Separately, armed extremist groups devoted largely to attacks on Indian-administered Jammu and Kashmir operate from AJK and GB and have links with similar factions based in Pakistan and Afghanistan.

A 2003 cease-fire agreement between the Indian and Pakistani armies was intended to protect AJK from attacks across the LoC. However, sporadic skirmishing continued, and during 2020, the two armies engaged in near-constant exchanges of fire after a 2019 suicide attack on the Indian side set off a period of intensified hostilities. Although some of the firing struck military targets, it was often directed at civilians; in 2020, Pakistan reported

over 3,000 Indian violations of the cease-fire, which allegedly killed 28 civilians and injured more than 249 others.

The Indian and Pakistani armies renewed the cease-fire in February 2021, following extensive dialogue between the countries' national intelligence agencies. Though some risk of physical violence along the LoC remains, the restored ceasefire held throughout the year, resulting in a significant improvement to civilian life in the area.

Score Change: The score improved from 1 to 2 because the restoration of the 2003 cease-fire across the Line of Control in February led to an end to firing and improved the living conditions of civilians.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

As in Pakistan, women in the territories face economic discrimination, disadvantages under personal status laws, and abusive customary practices, the perpetrators of which often enjoy impunity. LGBT+ people, members of ethnic minorities, and non-Sunni religious groups also suffer from discrimination, and Afghan refugees have encountered increased harassment and pressure to return to Afghanistan since 2015. Pakistani authorities have been reluctant to offer citizenship to migrants displaced from Indian-administered Jammu and Kashmir. These refugees have periodically been subjected to abuse and arbitrary arrest for demanding greater rights.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The people of AJK and GB have Pakistani national identity cards and passports. They are internationally recognized as Pakistani nationals. However, there are reports of passports or passport renewals being denied for those suspected of questioning Pakistani control over the region. The territories' heavy military presence and the threat of shelling and other violence along the LoC restricts internal movement for civilians. Residents and travelers also risk accidentally straying across the LoC and being stranded or detained.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

AJK's pre-1947 state subject law, which bars outsiders from seeking permanent residency, allows only legal residents to own property. In GB, residents have raised concerns about possible displacement by CPEC development projects, and at least some forcible evictions have been reported to date. Procedures for establishing private enterprises in the territories are onerous in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

In both territories, the legal framework criminalizes domestic violence and so-called honor killings, but harmful traditional practices related to sex, marriage, and personal behavior often prevail amid weak enforcement of formal protections, especially in more conservative areas. Informal justice mechanisms operating at the village level are the first point of recourse for many incidents involving sexual or domestic violence against women, and their judgments can inflict further harm on victims.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Both territories, but particularly GB, have historically been less economically developed than Pakistan, and their population has depended on labor migration to supplement incomes. The lack of local control over extractive industries prompts periodic complaints that residents are being deprived of the benefits of natural resources.

Child labor is known to occur, though the AJK government banned the practice by passing the Restriction of Employment of Children Act 2016 and amending it in 2017. Under this legislation, businesses in AJK cannot hire residents under the age of 17. Laws against sex and labor trafficking in general are poorly enforced.

Somaliland

Population: 4,500,000

Freedom Status: Partly Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Somaliland—whose self-declared independence from Somalia is not internationally recognized—has seen a consistent erosion of political rights and civic space. Journalists and public figures face pressure from authorities. Minority clans are subject to political and economic marginalization, and violence against women remains a serious problem.

KEY DEVELOPMENTS IN 2021

- Long-delayed parliamentary and local elections were held in May 2021. The two opposition parties, the Somaliland National Party (Waddani) and the Justice and Welfare (UCID) party, won 31 and 21 seats, respectively, enough to form a coalition government. The former ruling party, the Peace, Unity, and Development Party (Kulmiye), won 30 seats. Election observers noted few irregularities in the polls, and voter turnout was 65 percent.
- Police detained almost a dozen opposition Waddani and UCID candidates in the leadup to the May elections. Some candidates were accused of associating with Somali politicians, which is considered treason, but were released following pressure from civil society groups, the Supreme Court, and the NEC.

POLITICAL RIGHTS: 22 / 40 (+4)

A. ELECTORAL PROCESS: 7 / 12 (+2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is directly elected for a maximum of two five-year terms and appoints the cabinet. In 2017, after two years of delay, Somaliland held its third presidential election. Muse Bihi Abdi of Kulmiye won the contest with 55 percent of the vote, followed by Abdurahman

Mohamed Abdullahi of Waddani with 40 percent, and Faisal Ali Warabe of UCID with 4 percent. International observers concluded the process was credible; some instances of bribery and intimidation at polling places did not significantly affect the final result.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (+2)

Members of the 82-seat lower legislative chamber, the House of Representatives, are directly elected for five-year terms, while members of the 82-seat upper chamber, the Guurti, are clan elders indirectly elected for six-year terms.

Long-delayed parliamentary and local elections were held in May 2021. The two opposition parties, Waddani and UCID, won 31 and 21 seats, respectively, enough to form a coalition government. The ruling party, Kulmiye, won 30 seats. Election observers noted some irregularities in the polls, and voter turnout was 65 percent. Despite the credibility and competitiveness of the elections, fighting between clans in the Togdheer, Sool, and Sanaag regions killed dozens of people in the months leading up to the elections.

Score Change: The score improved from 0 to 2 because competitive parliamentary elections were held, despite some challenges.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The legal and administrative framework for elections is largely fair, but ambiguities in some laws as well as technical and logistical challenges have led to chronic election delays. The House of Representatives approved a new composition for the National Electoral Commission (NEC) in June 2020 and announced revisions to electoral law to address the logistical challenges in October.

In July 2020, a Technical Election Unit, which was envisioned to be comprised of three members from the international community, was established to advise the NEC. A voter-registration drive for the 2021 polls began in late November 2020.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

The constitution allows for a maximum of three officially recognized political parties. The three groups that receive the most votes in local council elections are declared eligible to contest national elections and compete freely in practice. The system is meant to encourage alliances across clan divisions, but clan and party affiliation remain closely aligned.

Police detained almost a dozen opposition Waddani and UCID candidates in the leadup to the May 2021 elections. Some candidates were accused of associating with Somali politicians, which is considered treason, but were released following pressure from civil society groups, the Supreme Court, and the NEC.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (+1)

The political system allows democratic transfers of power between rival parties. In the parliamentary and local elections held in May 2021, the two opposition parties, the UCID and Waddani, overtook the formerly ruling Kulmiye party to form a ruling alliance. Opposition parties similarly won mayoral positions in Hargeisa and four other major towns.

Score Change: The score improved from 2 to 3 due to a strong showing by the opposition party in parliamentary and local elections.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Clan elders play an influential role in politics, both directly with their kinsmen and through the currently unelected Guurti, which has the authority to extend officials' terms in office and approve election dates.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and various clans formally enjoy equal political rights. However, larger clans tend to dominate political offices and leadership positions. Cultural barriers also limit women's political participation. In a 2019 report, the Hargeisa-based Centre for Policy Analysis noted that only 12 of 173 appointments that had been made by President Bihi were given to women. No parliamentary seat was won by a woman in the May 2021 parliamentary elections.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (+1)

The 2021 elections provided a new legislative mandate to elected representatives. Decisions made by national authorities are implemented in most of Somaliland's claimed territory.

Score Change: The score improved from 1 to 2 due to the competitive parliamentary elections that provided the body with a new legislative mandate.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Somaliland has few institutional safeguards against corruption and nepotism. Prosecutions of officials for malfeasance are rare. Former president Ahmed Mohamed Mohamoud "Silanyo" took some measures to combat corruption, but the anticorruption commission he created in 2010 has been ineffective. A new commission chairman was appointed in February 2020.

In September 2020, Auditor General Ahmed Yusuf Dirir disclosed the arrests of several officials over corruption-related charges. The auditor general also disclosed that several other individuals were accused of forging documents.

C3. Does the government operate with openness and transparency? 2 / 4

The government operates with relative transparency in many respects but is more opaque regarding contracts for major projects. Journalists and civil society activists who attempt to scrutinize government activities often face harassment.

CIVIL LIBERTIES: 27 / 60 (+3)

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16 (+2)

D1. Are there free and independent media? 2 / 4 (+1)

A variety of print, television, and online news outlets operate, but many have political affiliations, and the state-run broadcaster has a monopoly in the radio sector. The penal code criminalizes defamation and other vaguely defined press offenses, such as circulation of

“false, exaggerated, or tendentious news.” The government has restricted the registration of new newspapers. A 2020 ministerial decree requires independent media houses to register with the Ministry of Information and for social media– and YouTube-based media to pay between 30 and 40 percent income tax.

The Somaliland Journalists Association (SJA) documented fewer arrests and harassment of journalists and media houses in 2020, the most recent statistics available. The SJA also noted that the media environment to report on and monitor the May 2021 parliamentary elections was more open to reporters and other media workers.

Score Change: The score improved from 1 to 2 because harassment of journalists has decreased.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Islam is the state religion. The constitution allows for freedom of belief but prohibits conversion from Islam and proselytizing by members of other faiths. Places of worship must obtain government permission to operate, though there is no mechanism to register religious organizations.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Teachers and professors are often able to pursue academic activities of a political and quasi-political nature without fear of intimidation. While funds allocated for public schools are uneven across the regions, they are generally free from overt political manipulation.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (+1)

While individuals can express themselves with relative freedom on political matters, remarks on sensitive social and cultural issues are subject to censure and retribution. Arrests and convictions for controversial social media posts has contributed to greater self-censorship online among residents.

Though in June 2021 the government arrested 42 people for displaying the Somali flag, arrests for public speech in have declined in recent years. The majority of those arrested in June were released in July.

Score Change: The score improved from 1 to 2 because fewer people were arrested for online speech.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (+1)

E1. Is there freedom of assembly? 2 / 4 (+1)

The constitution allows for freedom of assembly, but organized public demonstrations are infrequent, and authorities have sometimes employed violence to disperse protests. Despite initially experiencing harassment from security forces, opposition parties were able to hold public events and rallies in the lead up to the May 2021 parliamentary elections.

Score Change: The score improved from 1 to 2 because election rallies were permitted to proceed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Local and international nongovernmental organizations (NGOs) often operate without serious interference, but such groups can face harassment for their work. NGOs documenting human rights note that their work and events are not covered by government media outlets.

In October 2020, the Somaliland government suspended cooperating with UN agencies, after the United Nations finalized a sustainable development cooperation framework with the Somali government. In early November, Somaliland officials began holding talks with the United Nations on a new relational framework, which were not concluded by year's end.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution does not explicitly protect the right to strike, though it does permit collective bargaining. The right to belong to a union is generally respected.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 2 / 4

Although some progress has been made in reforming the judicial system in recent years, the judiciary lacks independence, sufficient funding, and proper training. Judges are often selected based on clan or political affiliation and are subject to interference from the government.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process is observed unevenly. Poverty and political factors play a role in how cases are charged and investigated, and whether there is adequate and timely representation for the defendant. Both customary law and Sharia (Islamic law) are used alongside civil law, which complicates adherence to statutory procedure. In practice, police arrest individuals arbitrarily and hold detainees without charge for extended periods. Lawyers are frequently denied access to detained clients. Long delays in court cases are common.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Somaliland's police and security forces have been accused of using excessive force, and conditions in detention centers are harsh and overcrowded. Fighting between clans in the Togdheer, Sool, and Sanaag regions killed dozens in the runup to the May 2021 elections.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Members of smaller clans face discrimination, limited access to public services, and prejudice in the justice system. Clan connections play a critical role in securing employment. Women also suffer from inequality, including in the Sharia and customary legal systems. Same-sex sexual relations is a criminal offense, and LGBT+ people are generally not publicly open about their sexual orientation or gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement is respected to some extent, but traffic between Somaliland and Puntland is restricted, and the Somaliland government limits travel to and from Somalia's federal capital, Mogadishu. Clan divisions hinder individuals' ability to relocate within the territory.

In October 2021, Somaliland authorities began expelling Somali nationals from the disputed Sool region, claiming they were a security threat.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Individuals can own property and operate private businesses without undue interference from the government. However, land disputes are common, as tenure is often complicated by lack of documentation and inconsistencies among different legal systems and state authorities. In 2019, police and military officials forcefully evicted several families to build a new presidential palace. No compensation was paid to the affected families.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Personal social freedoms are constrained by several factors. Marriages between members of major and minor clans are stigmatized. Female genital mutilation (FGM) is common. In 2018, the Ministry of Religious Affairs released a religious edict banning one common type of FGM, but human rights groups criticized the edict for not fully prohibiting the practice.

Domestic violence remains a serious problem, and rape is rarely reported to authorities due to social pressures against such complaints. The Sexual Offenses Bill, which criminalized many forms of gender-based violence (GBV), was signed in 2018 by President Bihi, but was subsequently suspended by the Ministry of Religious Affairs after an outcry from religious leaders. In August 2020, the House of Representatives approved the Rape, Fornication and Other Related Offences Bill, which would allow for child marriages, criminalize reports of rape deemed “false,” and would narrow the definition of rape. Whether the bill became law after approval by the Guurti is unclear.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

The informal sector, including traditional pastoral activities, accounts for much of the economy, and many households rely on remittances from relatives working in other countries. Trafficking in persons for forced labor or sexual exploitation abroad is a serious problem. Refugees from neighboring countries, including Yemen and Ethiopia, and internally displaced people are also vulnerable to exploitation.

South Ossetia*

Population: 53,400

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Large parts of South Ossetia, a breakaway territory of Georgia, enjoyed de facto independence after a civil conflict ended in 1992. A 2008 war that drew in Russian forces

resulted in the expulsion of the remaining Georgian government presence and most ethnic Georgian civilians. Only Russia and a handful of other states have since recognized South Ossetia's independence. The territory remains almost entirely dependent on Moscow, which exerts a decisive influence over its politics and governance. Local media and civil society are largely controlled or monitored by the authorities, and the judiciary is subject to political influence and manipulation.

KEY DEVELOPMENTS IN 2021

- In April, lawmakers rejected the government's first candidate to succeed Prosecutor General Uruzmag Jagaev, whose term ended that month. Another candidate, Magomed Bagayev, was accepted in May.
- Border crossings with Georgia proper remained closed during the year, while crossings with Russia were largely open. However, residents seeking medical care had less difficulty crossing the de facto border.

POLITICAL RIGHTS: 2 / 40**A. ELECTORAL PROCESS: 2 / 12****A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

Although South Ossetia's elections occur regularly, they are severely restricted at all stages of the process and are not monitored by independent observers or recognized by the international community. In the April 2017 presidential contest, former military leader Anatoly Bibilov was elected to a five-year term, defeating incumbent Leonid Tibilov. Political analysts said that the conduct of the 2017 election was an improvement on the 2011 poll, the results of which had been disputed. Nevertheless, political debate and competition only occurred within a narrow field of candidates allowed by Moscow and pro-Russian authorities.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

In June 2019, residents of South Ossetia elected lawmakers through a new voting system: Half of the 34 seats went to political parties via proportional representation while the other half was designated to single-member constituencies. Legislative elections are not internationally recognized, and Russian influence precludes truly competitive contests.

The 2019 elections yielded some positive developments. In contrast to previous years, political parties reported few problems with registration, campaigned in the region, and took part in televised debates. However, more than half of the candidates for the single-member constituencies, mainly private individuals, were unable to register. The United Ossetia party of President Bibilov won 14 seats, followed by Unity of the People (UP) with 5 and the Nykhas movement with 4. Smaller parties captured the remainder.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

According to electoral laws, candidates must have permanently resided in South Ossetia for 10 years. Russian influence undermines the independence of the Central Election Commission (CEC). New commissioners were selected in August 2021; according to a preliminary agreement on the CEC's makeup, two belonged to United Ossetia. The Communist, For Justice, Nykhas, People's Party, and UP factions each received one commissioner.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Moscow exerts a decisive influence over politics and governance, effectively placing significant restrictions on the ability of political parties outside of a narrow political spectrum to operate freely. However, a number of new parties have registered over the past decade, including United Ossetia, which has governed the territory since winning the most seats in the 2014 elections. United Ossetia controls the local Ministry of Justice and thus oversees the party registration processes. The body has inspected party-member lists, but upon identifying mistakes has allowed parties to resolve them without negative consequences for elections.

However, individual candidates have faced difficulties registering with the CEC. Only 39 of the 99 candidates seeking single-member seats ahead of the 2019 polls were approved by the commission.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

While Bibilov, the opposition candidate, successfully challenged the incumbent in the 2017 presidential election, the success or failure of opposition politicians is largely determined by Moscow.

Opposition lawmakers have gained some influence following the 2020 death of local resident Inal Dzhabiev and subsequent rallies that called for Bibilov's resignation. Between September 2020 and March 2021, they largely boycotted parliamentary sessions. Opposition lawmakers also called for the resignation of Prosecutor General Uruzmag Jagaev, whose term ended in April. Lawmakers rejected Bibilov's first choice to succeed Jagaev, though candidate Magomed Bagayev was accepted in May.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

South Ossetia's institutions are almost entirely dependent on economic and political support from Moscow. People whose political interests fall outside the narrow spectrum defined by Moscow, territorial authorities, and their private business interests cannot meaningfully participate in the political process.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

While the territorial government includes several women ministers, the interests of women and minority groups are not represented politically. Most ethnic Georgian residents have either declined or have been denied the ability to participate in elections.

C. FUNCTIONING OF GOVERNMENT: 0 / 12**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

- The ability of elected officials to determine and implement policy is heavily influenced by Moscow. A sweeping 2015 treaty between Russia and South Ossetia closely integrates the territory's defense, security, and customs mechanisms with those of Russia, charging Moscow with protection of South Ossetia's borders. Russian aid comprises almost the entirety of South Ossetia's budget. Bibilov has
-

spoken repeatedly of formally uniting the territory with Russia's North Ossetia–Alania or joining the Russian Federation as a separate region.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Official corruption is widespread in South Ossetia. There is little systematic effort to fight such behavior, though opposition lawmakers have sought to debate the issue in the parliament. In July 2020, the parliament adopted and the president signed a law that introduced annual declarations for all civil servants and restrictions on conflicts of interest. The law's adoption was delayed for five years, however.

In April 2021, two lawmakers reported that South Ossetian officials may have participated in a smuggling operation along with Russian customs officers. In May, parliament speaker Alan Tadtayev denied the accusation.

C3. Does the government operate with openness and transparency? 0 / 4

South Ossetia's government is not transparent. In September 2021, opposition lawmakers sought a no-confidence vote after the territorial government declined to disclose the results of an audit; the vote narrowly failed.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0

During the 2008 war, South Ossetian forces seized or razed property in previously Georgian-controlled villages, and large numbers of ethnic Georgians fled the fighting. Territorial authorities have since barred ethnic Georgians from returning unless they renounce their Georgian citizenship and accept Russian passports. Of approximately 20,000 ethnic Georgians displaced from their homes in South Ossetia, most have not been able to return.

Conditions for remaining local residents have largely stabilized since the war, particularly due to the absence of open conflict across the administrative line separating South Ossetia from Georgia. The weeks-long restrictions of movement between the territory and Georgia proper in during much of 2019 prompted dozens of ethnic Georgians to flee, fearing the permanent closure of crossing points. A similar outflow of local Georgians took place in January 2020, when region's leadership agreed to open crossings with Georgia proper for 10 days: people left for Georgia, many due to hardships and shortages caused by border closures. Ethnic Georgians who sought to return to their homes in South Ossetia in 2021 were largely unsuccessful.

CIVIL LIBERTIES: 9 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

Local media, including television channel Ir, newspapers *Yuzhnaya Osetiya* and *Respublika*, and online portal Res, are almost entirely controlled by the authorities. Self-censorship is pervasive, and defamation charges are often employed against critical media. An increasing number of residents rely on online outlets for news and other information. Foreign media, including broadcasts from Russia and Georgia, remain accessible. The local version of Russian news portal Sputnik, accessible in both Russian and Ossetian, is increasingly popular.

Social media platforms are popular among South Ossetia's residents, who maintain public and private groups to discuss politics and everyday problems. Some discussions

attract lawmakers and officials. Territorial residents mainly use slow and expensive mobile services to access the internet.

In January 2021, Sergei Kabisov, a territorial defense official, physically attacked a blogger based in North Ossetia–Alania for criticizing Bibilov. North Ossetia–Alania officials charged Kabisov with forcibly obstruction of the blogger’s activities in April. In September, Vitaly Denisov, the editor of Sputnik’s South Ossetia edition, claimed that a gas line in his home was intentionally damaged. Several days later, Margarita Simonyan, the editor in chief of Russian state-run television network RT, claimed that someone attempted to poison Denisov. Territorial prosecutors opened an investigation into the damaged gas line soon after.

In 2021, authorities continued to pursue a legal case against Tamara Mearakishvili, a blogger and activist who works with Georgian and international media outlets including Radio Free Europe/Radio Liberty (RFE/RL); Mearakishvili had originally faced charges including libel in 2017. In 2020, the Supreme Court sent Mearakishvili’s case to the first instance court for retrial, though the Supreme Court had cleared her of libel. In April 2021, a Tskhinvali court returned the case to prosecutors because it still included the libel charge. In May, prosecutors offered to end the case due to a statute of limitations; Mearakishvili declined, stating her desire to clear her name.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Most residents are Orthodox Christian, though a sizeable Muslim community exists. Followers of Russian Orthodoxy and Ossetian neopaganism also inhabit the territory. Some property of the Georgian Orthodox Church is controlled by the South Ossetian Orthodox Church (called the Eparchy). Jehovah’s Witnesses have been banned as an “extremist” organization since 2017.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government exerts strong influence over the education system. The Education Ministry has been working to phase out Georgian-language education since 2017.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Private discussion is constrained by the sensitivity of certain topics, particularly the territory’s geopolitical standing. Speaking of the property rights and expulsion of the Georgian population is assumed to attract unwanted attention.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is restricted. While residents occasionally demonstrate against environmental degradation, the sluggish pace of postwar reconstruction, animal rights, and, more rarely, overtly political grievances, participants in unsanctioned gatherings risk criminal charges. Authorities have responded to demonstrations by closing roads and deploying security forces.

Protests held in 2020 over the death of Inal Dzhabiev, who was accused of participating in a gun attack on the interior minister’s car, were tolerated by authorities. However, the territorial government dismissed Deputy Health Minister Agunda Plieva from her post after

she spoke at a rally that year. In March 2021, the Supreme Court ruled that her dismissal was legal, though Plieva vowed to appeal.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 0 / 4

Nongovernmental organizations (NGOs) that operate in the territory are subject to government influence. Legislative amendments in 2014 increased authorities' oversight capacity over NGOs, subjecting organizations that receive foreign funding to broader and more frequent reporting requirements and branding them "foreign partners." In recent years, a handful of organizations have officially received funding from Russia. NGOs engaged in conflict resolution and reconciliation are smeared by the authorities and progovernment media as agents of Tbilisi or Western intelligence services.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Trade unions in South Ossetia largely defer to the policies of the separatist government. Conflict with Georgia has left trade unions weak and geographically divided.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

South Ossetia's judiciary is not independent. The justice system is manipulated to punish perceived opponents of the separatist leadership. In 2019, a court handed former official Georgy Kabisov an eight-year prison term on embezzlement-related accusations. The case is seen as highly political due to personal problems between Kabisov and President Bibilov. In February 2021, a court denied Kabisov's parole application after prison authorities accused him of keeping an internet router in his cell.

F2. Does due process prevail in civil and criminal matters? 0 / 4

South Ossetia uses a modified version of the Russian criminal code. Government allies reportedly violate the law with relative impunity.

Criminal prosecutions are used to punish activists and individuals that question or inconvenience the authorities. By June 2021, prosecutors accused forensic expert Zarina Dzagoeva, who examined the body of Inal Dzhabiev in 2020, of knowingly providing false information.

The territory's judiciary does not oversee transparent and fair investigations into cases related to border crossings between South Ossetia and Georgia proper. Territorial residents and ethnic Georgians from Georgia proper risk arrest for crossing; while most individuals are fined, some face arbitrary detention.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Physical abuse and poor conditions are reportedly common in prisons and detention centers. At court sessions, prisoners often speak about floods and freezing conditions at an old building that was originally intended to serve as a temporary detention center.

In 2020, after Inal Dzhabiev died while in police custody, photographs of his corpse that circulated on social media depicted extensive bruises. Two detainees who were implicated alongside Dzhabiev in a gun attack on the interior minister's vehicle were released after promising not to leave South Ossetia; one spent weeks undergoing medical care after their release. At least eight police officers were detained on charges related to Dzhabiev's death, though four were released from custody in June 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Ethnic Georgians face continued discrimination. There are no initiatives to support the rights of LGBT+ people.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16 (+1)**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4 (+1)**

Restrictions on freedom of movement between South Ossetia and Georgia proper, which the territorial government and Moscow consider a “state border,” remain in place. Russian border guards have installed barbed wire and other obstructions to limit travel. The crossings were closed for most of 2021, in part due to COVID-19. Crossings into Russia remained open throughout the year.

Although the territory’s security services grant few requests to cross into Georgia proper, they allowed people with emergency health problems to do so in 2021. In 2020, the Georgian government reported that at least 16 people had died because they could not cross to seek medical assistance in a timely fashion.

Score Change: The score improved from 0 to 1 because in contrast with the previous year, South Ossetians were able to use border crossings into Russia and encountered fewer impediments when traveling for medical care.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The territory’s political and military situation has negatively affected protections of property rights, particularly for residents close to the administrative line with Georgia proper. Small businesses risk being seized or subjected to predatory behavior by larger, more powerful corporations.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

While no laws officially regulate individuals’ public appearance, statements by public officials reflect intolerance for behavior that deviates from the territory’s conservative norms. No laws or government programs specifically protect victims of domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic opportunity has been limited by the territory’s unrecognized status, among other reasons. Populations living along the administrative border with Georgia proper face economic uncertainty due to divisions created by shifting and uncertain borders.

Tibet

Population: 3,700,000 [Note: This figure covers only the Tibet Autonomous Region.]

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate

actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Tibet is ruled by the Chinese Communist Party (CCP) government based in Beijing, with local decision-making power concentrated in the hands of Chinese party officials. Residents of both Han Chinese and Tibetan ethnicity are denied fundamental rights, but the authorities are especially rigorous in suppressing any signs of dissent among Tibetans, including manifestations of Tibetan religious beliefs and cultural identity. State policies, such as incentives for non-Tibetan people to migrate from other parts of China and the compulsory relocation of ethnic Tibetans, have reduced the ethnic Tibetan share of the population over time.

KEY DEVELOPMENTS IN 2021

- In March, the authorities announced that nearly 2,000 “inspectors” were being deployed to police Tibetan rural communities and enforce tighter travel restrictions, particularly near international borders in the south.
- Chinese government officials continued to leverage the COVID-19 pandemic, among other justifications, to restrict religious practice, including by closing or limiting access to Buddhist temples and monasteries. Officials also imposed increasingly oppressive ideological controls and political indoctrination within temples and monasteries, and supplemented internal video surveillance at such sites with human supervisors and informants.
- As part of a broader program of military training and indoctrination for ethnic Tibetan students, new rules introduced during the year required students who receive government aid for their schooling to enroll in two years of military training.

POLITICAL RIGHTS: -2 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The Chinese government rules Tibet through administration of the Tibet Autonomous Region (TAR) and 12 Tibetan autonomous prefectures or counties in the nearby provinces of Sichuan, Qinghai, Gansu, and Yunnan. Under the Chinese constitution, autonomous areas have the right to formulate their own regulations and implement national legislation in accordance with local conditions. In practice, however, decision-making authority is concentrated in the hands of unelected ethnic (Han) Chinese officials of the CCP, which has a monopoly on political power. Wang Junzheng, former deputy party secretary and chief security officer in the Xinjiang Uyghur Autonomous Region (XUAR), was appointed to replace Wu Yingjie as TAR party secretary in October 2021, raising grave concerns that the leadership was planning to expand the draconian policies it had adopted in the XUAR to the TAR.

The few ethnic Tibetans who occupy senior executive positions serve mostly as figureheads or echo official doctrine. In October 2021, Yan Jinhai, an ethnic Tibetan official who had most recently served as the Lhasa party secretary, was chosen as chairman (governor) of the TAR. He replaced Che Dalha, another ethnic Tibetan who had held the post since 2017. The TAR chairman is formally elected by the regional people’s congress, but in practice such decisions are predetermined by the CCP leadership.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The regional people's congress of the TAR, which is formally elected by lower-level people's congresses, chooses delegates to China's 3,000-member National People's Congress (NPC) every five years. In practice, all candidates are vetted by the CCP. The current TAR people's congress held its first session in January 2018, and the current NPC was seated that March.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

As in the rest of China, direct elections are only permitted at the lowest administrative levels. Tight political controls and aggressive state interference ensure that competitive races with independent candidates are even rarer in Tibet than in other parts of the country. Regulations published in 2014 placed significant restrictions on candidates for village elections, excluding those who have attended religious teachings abroad, have communicated with overseas Tibetans, or have relatives studying at monasteries outside China.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

All organized political activity outside the CCP is illegal and harshly punished, as is any evidence of loyalty to or communication with the Central Tibetan Administration (CTA)—a representative body based in Dharamsala, India, that is often referred to as a government-in-exile.

The CTA includes an elected parliament serving five-year terms, a Supreme Justice Commission that adjudicates civil disputes, and a directly elected prime minister, also serving five-year terms. Votes are collected from the Tibetan diaspora around the world. The unelected Dalai Lama, the Tibetan spiritual leader who also traditionally served as head of state, renounced his political role in 2011. In May 2021, Penpa Tsering was elected as prime minister of the CTA, replacing Lobsang Sangay, who stepped down after serving two terms.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

As in China as a whole, the one-party system structurally precludes and rigorously suppresses the development of any organized political opposition. Tibet has never experienced a peaceful and democratic transfer of power between rival groups.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The authoritarian CCP is not accountable to voters and denies the public any meaningful influence or independent participation in political affairs.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Political opportunities for ethnic Tibetans within Tibet remain limited. Ethnic Chinese officials dominate top-level and strategic positions in the CCP and government, while ethnic Tibetans are restricted to lower-level and rubber-stamp positions. The authorities vigorously suppress and harshly punish any independent political or civic engagement by ethnic

Tibetans, even on local community issues that were considered less politically sensitive in previous decades.

Women are well represented in many public-sector jobs and CCP posts within the TAR, though most high-level officials are men, and women are unable to organize independently to advance their political interests.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

As elsewhere in China, unelected CCP officials determine and implement government policies in Tibet. Constitutionally, the TAR, like other ethnic minority regions, should enjoy greater autonomy than other provinces, but in practice it is controlled even more tightly by the central government.

In March 2018, the CCP Central Committee announced significant structural reforms that reduced the already limited separation between the party and state governance, placing CCP entities—like the United Front Work Department—more explicitly in charge of policy areas including religious affairs and ethnic minorities, which are especially relevant for Tibet.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is believed to be extensive, as it is in China more generally, though little information is available on the scale of the problem.

There have been moves in recent years to curb graft among the region's officials as part of Chinese president Xi Jinping's nationwide anticorruption campaign. However, many prosecutions are believed to be politically selective or amount to reprisals for perceived political and religious disloyalty. Efforts to control corruption are monopolized by the CCP leadership; as elsewhere in China, citizens who seek to expose official misdeeds in Tibet have faced detention and prosecution.

C3. Does the government operate with openness and transparency? 0 / 4

Governance is opaque in all of China but even more so in Tibet. A study by the Chinese Academy of Social Sciences, published in 2017, ranked cities and counties nationwide by their level of government transparency; Lhasa, the capital of the TAR, scored lowest among the cities, and the TAR's Nang County was the lowest among the counties under examination.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

In recent years, the Chinese government has accelerated policies that decrease the proportion of Tibetans in the TAR and undermine their cultural and religious identity—part of a renewed, nationwide campaign to “Sinicize” religious and ethnic minority populations. The implementation of the government's 2019–20 Farmer and Pastoralist Training and Labor Transfer Action Plan forced tens of thousands of additional Tibetan farmers and nomads to surrender their land-use rights to state-run collectives, become wage laborers, and move to urban areas where they are crowded into large apartment blocks. While the plan's stated goal is to alleviate rural poverty, in practice it has prevented tens of thousands of Tibetans from pursuing their traditional way of life, depriving them of their economic livelihood and connection to the land. Moreover, transferring Tibetans to urban areas facilitates their exposure

to more intense state surveillance and CCP propaganda. Authorities have also invoked the goal of environmental conservation to justify the forcible relocation of Tibetans from their ancestral land. Parallel government policies continue to encourage ethnic Chinese migration to the TAR, for example by recruiting workers for infrastructure projects in the region; such migrants typically do not change their household registration, meaning their numbers are not reflected in official statistics. “Ethnic unity” regulations promote intermarriage between Han Chinese and Tibetans through financial incentives, further eroding Tibetans’ distinct cultural and religious identity.

More than 500,000 Tibetans have been sent to military-led “vocational training” facilities since the beginning of 2020. The programs separate individuals from their communities, subject them to political indoctrination, and pressure them to abandon their religious beliefs and “backward thinking.” Local officials are said to be given specific quotas for the number of Tibetans they are required to enroll in such programs. Trainees are forced into wage labor, making them dependent on the state and allied private employers for their jobs and income. All those who receive state benefits, as well as state employees, are required to denounce the Dalai Lama, abandon their religious beliefs, and profess political loyalty to the CCP.

The authorities have set up military-style summer “education camps” for Tibetan children between the ages of 8 and 16 in areas near the militarized border with India. The official purpose of the camps is to train young people in military discipline, increase their patriotism, and prepare them to take part in national defense. The compulsory program separates children from their families, further weakening their connection to Tibetan culture, and prevents them from attending Tibetan language classes during school breaks; Tibetan has been phased out as a language of instruction in schools over the past decade. New rules introduced during 2021 required Tibetan secondary-school and college students who receive government aid for their education to enroll in two years of military training.

CIVIL LIBERTIES: 3 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 0 / 16

D1. Are there free and independent media? 0 / 4

CCP authorities control traditional and social media in Tibet even more strictly than in Han Chinese areas of the country. Individuals who use the internet, social media, or other means to share politically sensitive news content or commentary face arrest and heavy criminal penalties. Tibetan cultural expression, which the authorities associate with separatism, is subject to especially harsh restrictions; scores of Tibetan writers, intellectuals, and musicians have been incarcerated in recent years.

Deliberate internet blackouts occur periodically in Tibet, including in areas where public demonstrations have occurred. International broadcasts are jammed, and personal communication devices are confiscated and searched. The online censorship and monitoring systems in place across China are applied more stringently in the TAR, while censorship of Tibet-related keywords on the popular messaging application WeChat has become more sophisticated.

The TAR is the only provincial-level region of China that requires foreigners to obtain a special permit to enter, and foreign journalists are regularly prevented from visiting. Journalists also face barriers in access to Tibetan areas of Sichuan and other provinces, though no permission is officially required to travel to those places. Tibetans who communicate with foreign media or other foreign contacts without permission face criminal prosecution and long prison sentences. Four Tibetan monks were tried in September 2020 and sentenced to prison terms ranging from five to 20 years for sending messages to colleagues outside Tibet regarding charitable aid to a monastery in Nepal that was damaged by an earthquake. Sharing local information online can also lead to punishment. In August 2021, a group of

110 Tibetans were detained for posting photos of the police presence ahead of a traditional annual horse-racing festival.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Religious practice is carefully managed and increasingly restricted in Tibet. The government's efforts to "Sinicize" Tibetan Buddhism have accelerated in recent years, with officials requiring Tibetan Buddhist clergy and lay believers to pledge their loyalty to the CCP and socialism above their religious beliefs, to denounce the Dalai Lama, and to attend increasingly long political education sessions. The Chinese authorities view Tibetan reverence for the Dalai Lama and adherence to the region's unique form of Buddhism as a threat to CCP rule. Possession of Dalai Lama–related materials—especially in the TAR—continues to result in detention and possible criminal prosecution.

Political and ideological indoctrination within monasteries and nunneries intensified during 2021, with monks and nuns subjected to invasive and onerous supervision. "Management committees" made up of CCP cadres and police were given increased authority to directly control the daily operations of religious communities. "Intelligent temple management" systems operate in nearly all religious institutions, including pervasive video surveillance in all temples and monasteries. In 2021, authorities continued to use the coronavirus pandemic as a pretext to shut down monasteries and nunneries and to restrict hours for worship in many temples. The authorities employ a range of strategies to reduce the number of individuals pursuing religious education or engaged in religious activities. Those who wish to become monks or nuns must be at least 18 years old, and religious education for children is prohibited.

The Chinese government has asserted its intention to select the successor of the current Dalai Lama, who turned 86 in July 2021, and has promoted its own appointee to serve as the Panchen Lama, a religious figure who plays an important role in identifying the reincarnation of a Dalai Lama, according to Tibetan Buddhist rituals. The location of the Panchen Lama who was originally recognized by the current Dalai Lama remains unknown; he was abducted by Chinese officials in 1995, when he was six years old.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

University professors cannot lecture on certain topics, and many must attend political indoctrination sessions. The government restricts course materials to prevent circulation of unofficial versions of Tibetan history and has phased out the use of Tibetan as the language of instruction in schools over the past decade. Private and monastery schools have been largely shut down in recent years in an effort to force students into government-run schools—many of them boarding schools—where Mandarin is the only language of instruction.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

Freedom of expression, including in private, is severely limited by factors including authorities' monitoring of electronic communications, a heavy security presence, recruitment of informants, and regular ideological campaigns in Tibetan areas. The authorities in Tibet make use of an invasive security and censorship system that features nearly ubiquitous video cameras, use of facial-recognition technology, "smart" identity cards, and integrated surveillance systems that allow tracking of residents and tourists in real time. Hundreds of "security centers" operate across the region, with more than 130 in Lhasa alone.

Ordinary Tibetans are regularly detained or sentenced to prison for verbally expressing support for the Dalai Lama and independence for Tibet, sharing images of the Dalai Lama or the Tibetan flag on social media, or sending information abroad about self-immolation protests. Scores of Tibetans have been detained for expressing support for Tibetan language rights on social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

E1. Is there freedom of assembly? 0 / 4

Chinese authorities severely restrict freedom of assembly as part of the government's intensified "stability maintenance" policies in Tibet. Control and surveillance of public gatherings extend beyond major towns to villages and rural areas. Even nonviolent protesters are rapidly and often violently dispersed and harshly punished.

The number of self-immolations, typically intended to protest CCP rule, has declined sharply in the last few years due to information blackouts, heightened security and surveillance, and harsh punishments of those associated with self-immolators. Engaging in self-immolation and organizing, assisting, or gathering crowds related to such acts are considered criminal offenses, drawing charges of intentional homicide in some cases.

Despite the restrictions, Tibetans continue to seek ways to express their views on government policies through sporadic solitary or small-scale protests in public places, with participants briefly calling for the return of the Dalai Lama, the release of the Panchen Lama, or independence for Tibet, before being seized by police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

It is virtually impossible for Tibetans to establish and operate nongovernmental organizations (NGOs) without facing punishment by the authorities. Even seemingly apolitical social and community engagement is no longer tolerated. At least 121 Tibetans, many of them members of the Association for the Preservation of the Tibetan Language, were detained in an August 2021 sweep in Kardze Prefecture, Sichuan Province, for supporting Tibetan language rights and possessing pictures of the Dalai Lama. Foreign NGOs are generally not allowed to operate in Tibet.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Independent trade unions are illegal in Tibet, as they are in China as a whole. The only legal union organization is the government-controlled All-China Federation of Trade Unions, which has long been criticized for failing to properly defend workers' rights. Labor activism in Tibet is riskier and therefore much rarer than in other parts of China. According to the NGO China Labour Bulletin, no strikes were documented in the TAR during 2021, and only one protest over wage arrears was recorded in Lhasa for the whole year, compared with more than a thousand labor actions in the rest of the country.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The CCP controls the judicial system, and courts consequently lack independence. Courts at all levels are supervised by party political-legal committees that influence the appointment of judges, court operations, and verdicts and sentences. Given the political sensitivity of Tibetan issues, the scope for autonomous judicial decision-making in Tibetan areas is even more limited than elsewhere in China.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Tibetans are systematically denied due process in criminal matters. Among other abuses, they are subjected to arbitrary arrest, denial of family visits, long periods of enforced disappearance, solitary confinement, and illegal pretrial detention. Authorities often fail to inform families of the detention, whereabouts, and well-being of loved ones. Following the detention of writer and Buddhism teacher Lobsang Lhundup in June 2019, nothing about his whereabouts or status was publicly known until it was reported in October 2021 that he had been sentenced to four years in prison, after a secret trial, for writing a book in which he criticized the Chinese government's policies in the TAR. Tibetans have even less access to legal representation of their choice than Han Chinese; lawyers seeking to defend them are routinely harassed, denied access to their clients, blocked from attending relevant hearings, and in some cases disbarred in retaliation. Trials are closed if state security interests are invoked, which sometimes occurs even when no political crime is listed.

Estimates for the number of Tibetan political prisoners in detention range from 1,000 as of the end of 2020 to more than 1,800 as of 2021, according to the NGO Dui Hua and the Tibetan Centre for Human Rights and Democracy, respectively.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Detained suspects and prisoners are subject to torture and other forms of ill-treatment. Many Tibetan prisoners of conscience die in custody under circumstances indicating torture, and others are released with severe injuries and in extremely poor health, apparently to avoid deaths in custody. Many of the latter subsequently succumb to their injuries. The 121 or more Tibetans who were detained in Kardze Prefecture in August 2021 were reported to have been denied food, clothing, and medical care.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Ethnic Tibetans face a range of socioeconomic disadvantages and discriminatory treatment by employers, law enforcement agencies, and other official bodies. The dominant role of the Chinese language in education and employment limits opportunities for many Tibetans. While Tibetans are supposed to receive preferential treatment in university admission examinations, this is often not enough to secure entrance. Changes in the scoring system in 2021 made it more difficult for Tibetan students to gain admission to top-tier national-level secondary schools that offer study of the Tibetan language. Tibetans who apply for public-sector jobs—including cleaners and other low-level staff—are required to denounce the Dalai Lama, renounce their religious beliefs, and demonstrate their political loyalty in other ways that fundamentally negate their ethnic and cultural identity.

As in the rest of China, gender bias against women remains widespread, despite laws barring workplace discrimination. LGBT+ people suffer from discrimination, though same-sex sexual activity is not criminalized. Social pressures discourage discussion of LGBT+ issues.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 3 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4**

The TAR features extreme restrictions on freedom of movement that disproportionately affect ethnic Tibetans. Obstacles including troop deployments, checkpoints, roadblocks, required bureaucratic approvals, and passport restrictions impede freedom of movement both within Tibetan areas—especially the TAR—and between those areas and the outside

world. In March 2021, the authorities announced that nearly 2,000 “inspectors” were being deployed to police Tibetan rural communities and staff about 700 “discipline committees” across the region. The increased state scrutiny included tighter travel restrictions and the need for permits to enter certain areas, particularly near international borders in the south.

While Han Chinese tourists have been encouraged to visit the TAR, the movements of foreign tourists, journalists, diplomats, and others are tightly controlled, and they are often denied entry. Foreign tourists must travel in groups with state-approved tour guides and obtain official permission to visit the TAR. Even then, last-minute travel bans are periodically imposed. Tibetans face nearly insurmountable hurdles in obtaining a passport for foreign travel, and foreign nationals of Tibetan origin face enormous challenges when seeking a visa to visit Tibet, in some cases waiting for years only for their request to be denied.

Increased security efforts and Nepalese government cooperation have made it difficult for Tibetans to cross the border into Nepal. In recent years some Tibetan pilgrims who have traveled abroad have faced detention upon return to China.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The economy is dominated by state-owned enterprises and private businesses with informal ties to officials. Tibetans reportedly find it more difficult than ethnic Chinese residents to obtain permits and loans to open businesses.

The multiyear policy of forcing Tibetans off their rural land and into the urban wage economy has given the state additional leverage over a growing proportion of the population, as those affected lose their self-reliance and increasingly depend on market wages and government subsidies for their income.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

The central government further loosened family planning regulations nationwide in 2021, allowing all families to have up to three children—after having ended the long-standing one-child policy in 2016 by allowing couples to have up to two children. While the change means a likely decrease in the number of people who experience punitive aspects of the system, such as high fines, job dismissal, reduced government benefits, and detention, the authorities continue to regulate reproduction, and related abuses and punishments are occasionally reported.

In the past, China’s family-planning policies were formally more lenient for Tibetans and members of other ethnic minority groups. Officials limited urban Tibetans to two children and encouraged rural Tibetans to stop at three, at a time when Han Chinese couples were limited to one child. As a result, the TAR is one of the few areas of China without a skewed sex ratio.

State policies that actively encourage interethnic marriages with financial and other incentives, and that require couples to designate a single ethnicity for their children, are among the ongoing policies that have reduced the ethnic Tibetan share of the TAR’s population. Tibetan women are vulnerable to human trafficking schemes that result in forced marriage.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Exploitative employment practices are pervasive in many industries, as is the case across China, though ethnic Tibetans report additional disadvantages in hiring and compensation. Human trafficking that targets Tibetan women can lead to forced prostitution or exploitative employment in domestic service and other economic sectors elsewhere in

China. The herders, farmers, and other Tibetans who are forced off their rural land and resettled in towns and cities are extremely vulnerable to exploitation by public and private employers alike.

Transnistria*

Population: 465,000

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Transnistria is a breakaway region of Moldova. The territory has operated with de facto independence since a brief military conflict in 1992, though it is internationally recognized as a part of Moldova. Its government and economy are heavily dependent on subsidies from Russia, which maintains a military presence and peacekeeping mission in the territory. Political competition is restricted, and the ruling political group is aligned with powerful local business interests. Impartiality and pluralism of opinion in the media is very limited, and authorities closely control civil society activity.

KEY DEVELOPMENTS IN 2021

- In December, incumbent president Vadim Krasnoselsky won reelection in a contest marred by a lack of competition and low turnout. Krasnoselsky's only competitor was a local clerk, while notable opposition figures were not allowed to register.
- In November, Communist Party leader Oleg Horzhan, who was arrested in 2018 and is serving a four-and-one-half-year prison sentence, began a hunger strike along with Serghei Mirovici, a pensioner who was imprisoned for "extremism" and "insulting the president" via social media in 2019.
- In August, the territory's Supreme Court conditionally released opposition activist Gennady Chorba, who had been detained for allegedly organizing a protest in 2020 and later faced extremism charges.

POLITICAL RIGHTS: 6 / 40 (-2)

A. ELECTORAL PROCESS: 1 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (-1)

The president is elected for up to two consecutive five-year terms. Incumbent Vadim Krasnoselsky, who was backed by the Renewal (Obnovleniye) Party, was reelected with 79 percent of the vote in the December 2021 presidential election. Krasnoselsky's only competitor was a local clerk, Sergey Pinzar, who won 11.8 percent. Another 8.8 percent of ballots were ruled invalid. Turnout stood at 35.2 percent, a record low for a presidential contest.

The elections were considered especially uncompetitive. Notable opposition figures Anatoly Dirun and Nikolai Malyshev were not allowed to register as candidates by the Central Election Commission due to alleged irregularities in the signatures collected for

their nominations. Another candidate, Sergei Dechev, withdrew his candidacy without explanation. An electoral-code amendment instituted in June removed the “against all” option from the presidential ballot.

Score Change: The score declined from 1 to 0 because key political figures were barred from participating in the presidential election, which failed to offer voters a genuine democratic choice.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Elections for the Supreme Council were last held in November 2020. A total of 51 candidates applied to run for seats, and only 45 were registered, with 4 denied registration and 2 withdrawing their applications. In 23 of the 33 electoral districts, candidates ran unopposed; by comparison, only two candidates had run unopposed in each of the previous two legislative elections. Voter turnout was just 28 percent of the eligible electorate. Renewal won 29 seats, and the remainder went to candidates who had links to Sheriff Enterprises, the powerful business conglomerate that dominates the Transnistrian economy and backs the party.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The Central Election Commission has long been criticized by various political figures for lack of impartiality and independence. In June 2021, the Renewal-dominated Supreme Council amended the electoral code to remove the “against all” option from ballots for the December presidential poll. Dirun and Malyshev, who were prevented from contesting the election, alleged that their disqualifications were politically motivated.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Transnistria’s entire political establishment, including opposition parties, supports the separatist agenda and Russia’s role as the territory’s foreign patron. Figures who oppose the local elite, who are anchored around Sherriiff Enterprises, have been consistently intimidated and silenced in recent years.

The opposition Communist Party faces political repression. In 2018, party leader Oleg Horzhan was arrested, stripped of his parliamentary immunity, and jailed for organizing illegal demonstrations, criticizing officials, and interfering with law enforcement agents. He received a four-and-a-half-year prison sentence. In February 2021, security officers searched the home of acting Communist Party chairwoman Nadezhda Bondarenko for a manuscript authored by Horzhan. In November, Horzhan began a hunger strike while in prison.

In August 2021, the territory’s Supreme Court conditionally released opposition activist Gennady Chorba, who had been detained for allegedly organizing a protest in 2020 and later faced extremism charges.

In December 2021, the authorities reportedly searched the home of aspiring presidential candidate Anatoly Dirun, seizing a computer and other items. Dirun was reportedly facing a forgery charge.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The Renewal Party has long controlled the legislature, and the 2016 victory of Vadim Krasnoselsky cemented its control over the executive branch. The territory's persecuted opposition parties did not play a significant role in the 2020 legislative elections, which left the Supreme Council with no genuine opposition. Opposition candidates were prevented from contesting the December 2021 presidential election, which Krasnoselsky won by a wide margin amid low turnout.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The ruling Renewal Party and the political establishment more broadly are dominated by Sheriff Enterprises. In addition, the political influence of the Russian government is undergirded by the presence of Russian troops, who are ostensibly stationed in Transnistria to guard a Soviet-era ammunition depot and, as peacekeepers, to uphold a 1992 cease-fire between Transnistrian and Moldovan forces. Moscow has also financially supported the territory's pension system and provided subsidized energy.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Both men and women have the legal right to vote, participate in campaigns, and run for office. However, the system in practice allows little opportunity for independent political activity by any segment of the population, and few women are included in the political leadership; only two women hold seats in the Supreme Council.

While Transnistria has three official languages—Russian, Ukrainian, and Moldovan—Russian dominates in governmental affairs and public communications. Authorities do not allow voting in Moldovan elections to take place in Transnistrian-controlled territory, though residents who sought to vote in Moldova's July 2021 elections were observed traveling into Moldova proper to participate. Residents with Russian citizenship were able to participate in the September State Duma elections through polling stations deployed in Transnistria.

C. FUNCTIONING OF GOVERNMENT: 1 / 12 (–1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4 (–1)

Transnistria's flawed elections undercut the democratic legitimacy of both executive leaders and legislative representatives. The 2020 legislative and 2021 presidential elections were both marred by low rates of participation and a lack of competition. Sheriff Enterprises exerts a strong influence on elected officials' policy decisions, which are also closely monitored by Moscow.

Score Change: The score declined from 1 to 0 because the head of government and legislative representatives were not freely elected.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Transnistrian politics have long been built on personal business interests, nepotism, and favoritism. There are few visible safeguards against official corruption.

C3. Does the government operate with openness and transparency? 1 / 4

Although officials publish some government information on websites and are occasionally interviewed by media outlets about their policies, the public is generally excluded from decision-making processes, and governmental openness and transparency are limited in practice.

CIVIL LIBERTIES: 12 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16****D1. Are there free and independent media? 0 / 4**

Authorities closely monitor and control the public media, and Sheriff Enterprises dominates private broadcasting, leading to widespread self-censorship. The territory's few independent print outlets have limited circulation. Critical reporting can result in reprisals including criminal charges. The government also uses bureaucratic obstruction and withholding of information to inhibit independent journalism.

Legislation adopted in 2016 gave authorities even greater control over state media outlets, including the power to appoint editorial staff, and enabled officials to limit media access to their activities and bar the use of recording devices.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Most of the population is Orthodox Christian, and authorities have denied registration to several smaller religious groups, which at times face harassment by police and Orthodox opponents. The law imposes restrictions and penalties related to unauthorized distribution of religious literature, preaching in public spaces, and organized religious activities in residential buildings. Foreign religious groups are not permitted to register, and foreign individuals may not found or join registered groups.

Jehovah's Witnesses have been unable to obtain registration in Transnistria. Members of the Muslim community report a reluctance to openly practice their faith due to past intimidation by authorities, and they have struggled to advance plans to establish a mosque in Tiraspol.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academics and students may take part in international forums, but potential reprisals by Transnistrian authorities are a deterrent to participation in programs sponsored by Moldova. Academic analysis of topics such as the 1992 conflict, the role of the Russian Federation and peacekeeping forces, and Transnistrian statehood are subject to censorship.

The few Latin-script schools in Transnistria that are overseen by the Moldovan state face pressure from Transnistrian authorities.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Legal restrictions on certain kinds of speech discourage free discussion. Among other provisions related to defamation or insult of the authorities, the criminal code penalizes public expression of disrespect for the Russian peacekeeping mission.

The de facto authorities prosecute dissidents, civic activists, and ordinary social media users, inhibiting expression by other residents. In June 2021, the Apriori Center, a nongovernmental organization (NGO) that provides legal advice and education, reported on several cases where territorial authorities lodged criminal cases against journalists, authors, and ordinary residents during its 2017–21 reporting period; in one of these cases, resident Pavel Dogar faced charges for commenting on the presence of Russian peacekeepers via social media.

Pensioner Serghei Mirovici, who received a three-year prison sentence for "extremism" and "insulting the president" via social media in 2019, remained imprisoned in 2021. Mirovici began a hunger strike in November.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**E1. Is there freedom of assembly? 0 / 4**

Freedom of assembly is tightly restricted. Authorities consistently reject applications for permits to hold meetings and protests, and participants in unauthorized actions face administrative penalties or criminal prosecution.

Territorial authorities reportedly pressured the organizers of a film festival to cancel their July and August 2021 activities in Transnistria. Events scheduled within the territory were cancelled and organizers moved their activities to Chişinău.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

NGOs and civic activists operate in a repressive environment. Groups that work on human rights issues or other topics deemed politically sensitive are subject to surveillance and harassment.

A 2018 law requires more burdensome reporting by NGOs, including on foreign funding, and prohibits foreign-backed NGOs from engaging in broadly defined “political activities.” In May 2021, the Apriori Center announced that the European Court of Human Rights (ECHR) would hear its complaint against the NGO law; territorial prosecutors had found that Apriori was engaging in proscribed “political activities.”

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

The trade union system in Transnistria has not been reformed since the Soviet era, and unions are manipulated by the political leadership in practice. Independent labor activism is not tolerated.

F. RULE OF LAW: 2 / 16**F1. Is there an independent judiciary? 0 / 4**

The judiciary serves the interests of the political authorities and Sheriff Enterprises. The ECHR has asserted that Moscow is responsible for the decisions of Transnistrian courts, which do not meet minimum standards of fairness.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Security and law enforcement agencies in Transnistria regularly engage in arbitrary arrests and detentions and deny detainees access to attorneys. Trials and other criminal proceedings lack safeguards for due process and are frequently held without public scrutiny, with the outcomes announced after the fact.

Adrian Glijin was abducted by territorial security forces in 2020 and was accused of treason. Glijin’s family were not informed of Adrian’s condition, while his mother was only allowed to meet him in December 2021.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Police mistreatment of suspects is common, and physical abuse is employed to obtain confessions. Prison conditions remain poor; denial of proper medical care has been reported. The authorities have been accused of engaging in forced disappearances and abductions in recent years.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

While the Transnistrian constitution guarantees people's rights and freedoms "without distinction as to sex, race, nationality, language, religion," and other such categories, these protections are frequently violated with impunity. Members of certain minorities, including Moldovan speakers and most notably Roma, face discrimination and harassment. Women are also subject to discrimination in practice; among other problems, they are formally excluded from numerous occupations that are considered hazardous or physically difficult. Same-sex sexual activity is illegal in Transnistria, and members of the LGBT+ community generally do not identify themselves publicly due to widespread government and societal discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Approximately 300,000 people in Transnistria hold Moldovan citizenship and can travel freely to European Union countries. Since 2018, Transnistria residents have been able to obtain neutral license plates for use on international roads. Moldovan authorities began recognizing Transnistrian educational documents that year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Full private property rights are only recognized for housing; other property rights, including land ownership, remain restricted. Procedures for establishing a private business are hampered by bureaucratic impediments.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Same-sex marriage is not permitted. Domestic violence is a persistent concern, and it is not considered a criminal offense in the absence of serious physical injury. However, the problem has become more public in recent years, including through television reports. Dedicated services, including psychological aid, a hotline for victims, and shelters, are operated by NGOs supported by international donors.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Economic opportunity remains very limited. Sheriff Enterprises dominates the economy. Despite increased international aid meant to ensure better opportunities for women, many still fall victim to traffickers who subject them to forced labor or sex work.

West Bank

Population: 2,949,000

Freedom Status: Not Free

Note: Prior to its 2011 edition, *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain

criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Israel's military occupation of the West Bank entails onerous physical barriers and constraints on movement, demolition of homes and other physical infrastructure, restrictions on political rights and civil liberties, and expanding Jewish settlements that are widely considered to constitute a violation of international law. Jewish settlers in the West Bank are Israeli citizens and enjoy the same rights and liberties as other Israelis. The West Bank's Palestinian residents, excluding those living in East Jerusalem, fall under the partial jurisdiction of the Palestinian Authority (PA), which is operating with an expired presidential mandate and has no functioning legislature. The PA governs in an authoritarian manner, engaging in acts of repression against journalists and activists who present critical views on its rule. East Jerusalem Palestinians are governed directly by Israel; while a small minority of them have Israeli citizenship, most have a special residency status that denotes a restricted set of rights compared with those of Israeli citizens.

KEY DEVELOPMENTS IN 2021

- In January, PA president Mahmoud Abbas announced that long-overdue parliamentary and presidential elections would be held in May and July, respectively. He then suspended the process in April, citing the Israeli government's refusal to allow PA election activity in East Jerusalem. Separately, a first round of PA municipal elections proceeded in December, but they were uncompetitive, with a majority of localities featuring single lists of candidates that ran unopposed.
- Regionally sponsored talks aimed at bridging the divide between Fatah, the ruling Palestinian party in the West Bank, and the Islamic Resistant Movement (Hamas), which controls the Gaza Strip, broke down after Abbas's April announcement that elections would be indefinitely postponed. Hamas boycotted the subsequent municipal-level voting in December and did not allow it to proceed in Gaza.
- The threatened eviction of Palestinian families in East Jerusalem triggered local protests in April that greatly expanded across the West Bank in May, and Israeli forces responded with excessive force, resulting in a number of deaths and injuries.
- In June, PA security forces in Hebron violently detained and physically abused civic activist Nizar Banat, who then died in custody. The killing set off widespread protests that were forcibly dispersed by Palestinian authorities.

POLITICAL RIGHTS: 4 / 40

A. ELECTORAL PROCESS: 1 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The PA has not held a presidential election since 2005. The four-year term of Mahmoud Abbas, who won that year with 62 percent of the vote, expired in 2009, but he has continued to rule with the support of the Palestine Liberation Organization (PLO)—of which he is the chairman, and which is led by his party, Fatah. The rift between the West Bank-based PA government, under the control of Fatah, and the de facto Hamas government in the Gaza Strip has impeded the resumption of regular elections. Hamas seized control of Gaza in 2007, following its victory in the 2006 legislative elections and a period of armed clashes with Fatah that left each faction in possession of a separate territory. Successive rounds of reconciliation talks, efforts to form unity governments, and plans to hold fresh elections have failed to gain traction.

Following further negotiations with Hamas, Abbas announced in January 2021 that a presidential election would be held in July, following legislative balloting set for May. However, at the end of April he indefinitely postponed the entire election process, citing Israel's refusal to allow PA election activity in East Jerusalem. Many analysts argued that the elections were actually halted because political fragmentation within Fatah raised the risk that Hamas or Fatah splinter groups would win.

Under PA laws, the prime minister is nominated by the president and requires the support of the Palestinian Legislative Council (PLC). However, the PLC elected in 2006 was unable to function due to the Fatah-Hamas division and Israel's detention of many lawmakers. Abbas has since appointed prime ministers and cabinets without legislative approval. Over Hamas's objections, Mohammad Shtayyeh was appointed and sworn in as prime minister along with a new Fatah-led cabinet in April 2019. He remained in office as of 2021.

Israeli citizens living in West Bank settlements are able to participate in generally free and fair elections for the Israeli Knesset (parliament), which selects the Israeli government.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Palestinians in the West Bank do not have a functioning legislative body. Elections for the 132-seat PLC have not been held since 2006, when Hamas won 74 seats and Fatah took 45. Israel's suppression of Hamas and subsequent fighting between Fatah and Hamas left the PLC unable to operate. Israeli forces have repeatedly detained elected PLC members since 2006, and the legislature's electoral mandate expired in 2010. In December 2018, President Abbas ordered the formal dissolution of the PLC, backed by a Supreme Constitutional Court ruling that also called for legislative elections within six months. Hamas rejected the decision. Abbas's April 2021 postponement of the PLC elections he had scheduled for May meant that Palestinians in the territory would continue to lack a legislature.

Israeli citizens living in West Bank settlements are able to participate in elections for the Knesset, the most recent of which took place in March 2021 and was considered generally free and fair. The majority of Palestinian residents in East Jerusalem, which Israel considers to be part of its Jerusalem municipality, do not hold Israeli citizenship and thus do not have the right to vote in Knesset elections; while noncitizen Palestinian residents of East Jerusalem are permitted to vote in Israel's Jerusalem municipal council elections, historically most have boycotted.

In December 2021, the PA held its first municipal council elections in the West Bank since 2017, but a majority of the races were uncontested, with only one candidate list—usually affiliated with Fatah—registered in a given jurisdiction. Independent lists, typically associated with powerful local families or tribes, won about 70 percent of the seats in the localities that were contested. Another round of municipal elections was set to take place in March 2022. Hamas boycotted the process.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

PA laws provide a credible framework for presidential and legislative elections, but neither have been held since 2005 and 2006, respectively. The Palestinian Central Elections Commission oversees elections in the West Bank and Gaza Strip. The body's nine commissioners are appointed by the president, although the law requires them to be experienced and politically impartial judges, academics, or lawyers.

Israel's Central Elections Committee oversees Knesset elections, and its Interior Ministry manages Israeli municipal elections, including in Jerusalem. These elections are

generally free and fair, but unlike Israeli Jewish settlers, Palestinians in the West Bank generally lack Israeli citizenship and are excluded from participating.

B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

In addition to Fatah, a number of small Palestinian parties operate relatively freely in the West Bank. However, the PA deals harshly with supporters of Hamas and rivals of President Abbas within Fatah. The Israeli military bans parties, disrupts political gatherings, and detains and arrests political activists if they are deemed to be threats to Israeli security.

Since 2007, the PA and Israeli forces in the West Bank have collaborated in surveillance and repression of Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), and other political factions with armed wings, periodically engaging in mass arrests and closures of affiliated institutions.

East Jerusalem Palestinians can form party lists to run in the city's Israeli municipal elections, but doing so may lead to increased scrutiny by Israeli authorities, as well as harassment from Palestinians who oppose participation on the grounds that it signals acceptance of Israel's annexation of East Jerusalem, which is not internationally recognized and is widely considered a violation of international law.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The repeated and indefinite postponements of presidential and legislative elections have prevented any rotation of power in the West Bank. The PA leadership has been accused of avoiding contests that could lead to victory for Hamas or Fatah factions that are not loyal to Abbas. Hamas's boycott of the December 2021 local elections again left it unrepresented in West Bank municipal councils.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Israeli military authorities regularly surveil, detain, and harass individuals with explicit or suspected links to the PFLP, Hamas, Islamic Jihad, and other factions that Israel has designated as terrorist groups, in addition to members of Fatah who are suspected of militant activity. Such individuals are sometimes targeted arbitrarily or based on secret or circumstantial evidence. In addition, the Israeli military's restrictions on freedom of movement—including checkpoints, roadblocks, and permit restrictions, as well as the continuous barrier it has constructed along the West Bank side of the pre-1967 border—can impede Palestinian political organizing and activity. Foreign government donors regularly exert influence over the PA, which is heavily dependent on international aid, to promote or marginalize certain politicians or political factions.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Women and members of religious and ethnic minority groups are granted equal political rights under PA laws, and both women and Christians have held PLC seats and cabinet positions, though PA politics remain dominated by Arab and Muslim men. There are legislated gender quotas for candidate lists in legislative and local elections, which tend to result in approximately 20 percent of candidates and elected officeholders being women; this pattern

persisted in the December 2021 municipal elections. In some districts of the West Bank (Ramallah and Bethlehem), seats are set aside for Christian candidates.

The roughly 350,000 Palestinian residents of East Jerusalem formally have the option to apply for Israeli citizenship, though most decline for political reasons, and about half or more of those who apply each year are unsuccessful. In November 2020, an Israeli court ordered the Interior Ministry to implement a 1968 legislative clause that would facilitate the process by which young Palestinians obtain Israeli citizenship. While noncitizen residents can vote in Israeli municipal elections in Jerusalem, historically most have boycotted; non-citizens cannot vote in Knesset elections. A Palestinian Jerusalem resident who is not an Israeli citizen cannot become mayor under current Israeli law. East Jerusalem Palestinians are only able to participate in PA elections with Israel authorities' approval.

As of 2021, there were about 700,000 Jewish settlers in the West Bank, including East Jerusalem, all of whom are Israeli citizens with full political rights in Israel.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The PA lacks an executive or legislature with an electoral mandate. Because the legislature has not functioned since 2007, new laws are introduced via presidential decree. The ability of the PA president and ministries to implement policy decisions is limited in practice by direct Israeli military control over much of the West Bank. The PA has virtually no ability to provide services, access farming communities, or develop water, waste management, or land resources in Area C—a largely rural area that makes up more than 60 percent of West Bank territory and is under exclusive Israeli control. The Israeli government periodically withholds the transfer of tax revenues to the PA, which affects salary payments and policy implementation.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Official corruption remains a major problem that is widely recognized by the public, according to opinion surveys. The PA's Anti-Corruption Commission is responsible for implementing an anticorruption strategy, but an October 2021 report by the PA's State Audit and Administrative Control Bureau (SAACB) identified long-standing irregularities in the commission's management of its own funding. In its 2021 annual report covering developments in 2020, the Coalition for Accountability and Integrity (AMAN), a civil society group, again noted some improvements in PA legislation and policies to curb bribery and refine procurement procedures. However, ensuring basic transparency, combating favoritism in appointments and promotions, and properly implementing existing anticorruption laws and policies remained prominent challenges. In June 2021, media reports revealed the appointment of 71 close relatives of senior PA officials to various government positions over the previous decade.

C3. Does the government operate with openness and transparency? 1 / 4

Government transparency is generally lacking in the PA, and in the absence of basic accountability mechanisms including regular elections and legislative oversight, the administration has little incentive to make substantive improvements. Journalists, activists, and others who attempt to scrutinize PA policies or internal operations are subject to intimidation and harassment.

The operations of Israeli military authorities in the West Bank are opaque, and the Israeli military and civil administrations are not accountable to Palestinians.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

The Israeli state and associated institutions continued to preside over and promote the growth of Israeli Jewish settlements, seizures of Palestinian land, and the demolition of Palestinian homes in the West Bank in 2021. Under the pretext of unlawful construction, Israeli authorities demolished more than 900 Palestinian structures and housing units in the West Bank, including East Jerusalem, during the year; this left more than 1,200 people homeless, according to statistics compiled by the UN Office for the Coordination of Humanitarian Affairs (UN OCHA). About 80 percent of the demolitions took place in Area C, and some 20 percent occurred in East Jerusalem. The pace of demolitions has increased dramatically over the past several years, rising from fewer than 500 per year in 2017 and 2018. The Israeli Civil Administration (ICA) in the West Bank, which is overseen by the military, employs occupation policies that deny Palestinians opportunities to challenge demolition orders and allow the confiscation of portable buildings without due process. In 2018, the Knesset passed a law limiting Palestinians' direct access to the Israeli Supreme Court for petitions against the construction of Israeli Jewish settlements.

CIVIL LIBERTIES: 19 / 60 (-2)**D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16 (-1)****D1. Are there free and independent media? 1 / 4**

The news media are generally not free in the West Bank; journalists are surveilled and repressed by both Palestinian and Israeli authorities, and social media companies have sometimes blocked Palestinian journalists' accounts. Under PA law, journalists can be fined and jailed and newspapers closed for publishing information that might harm national unity, contradict national responsibility, or incite violence.

Common violations of media freedom by Palestinian and Israeli authorities in the West Bank include the summons, interrogation, and arrest of journalists, confiscation of equipment, and restrictions on reporting. The Palestinian Center for Development and Media Freedoms (MADA) reported a total of 314 media freedom violations committed by Israeli authorities in the West Bank and 111 committed by Palestinians in the territory, ranging from physical assaults, detentions, and torture to threats and obstruction of coverage. The organization also documented 69 violations committed by social media companies in the West Bank and Gaza Strip, noting cases in which journalists' accounts were suspended or closed or their content was restricted for allegedly violating platform rules. Facebook, for example, has shut down the pages and accounts of Palestinian journalists due to alleged incitement to violence and terrorism.

In 2017, President Abbas issued the Electronic Crimes Law (ECL), prescribing heavy fines and lengthy prison terms for a range of vaguely defined offenses, including the publication or dissemination of material that is critical of the state, disturbs public order or national unity, or harms family and religious values. The ECL has been invoked in practice by PA security forces and courts, including to order the blocking of news websites.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Blasphemy is a criminal offense. The ECL criminalizes expression aimed at

harming moral and religious values without defining those values, allowing for arbitrary enforcement.

Security-related restrictions on movement, and vandalism or physical assaults against worshippers or places of worship, affect the religious freedom of Jewish, Muslim, and Christian residents of the West Bank to varying degrees. The Israeli authorities regularly prevent Palestinian Muslims in the West Bank from reaching Jerusalem to pray, and generally restrict access for young adult males to the Temple Mount/Haram al-Sharif compound on Fridays. The compound became a site of protests and the use of excessive force by Israeli security personnel in May 2021, as tensions rose over the threatened eviction of local Palestinian families.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The PA has administrative authority over Palestinian education. Political activism is common on university campuses, and student council elections generally proceed freely—an Islamist bloc sympathetic to Hamas has performed strongly in several of the past Birzeit University student council elections, for example. However, students affiliated with the bloc have been detained by Israeli and Palestinian authorities. Israeli forces periodically enter university campuses to conduct raids and arrests. Schools in the West Bank are also sometimes subjected to Israeli raids.

According to the Association for Civil Rights in Israel, East Jerusalem's schools are underfunded compared with schools in West Jerusalem, and East Jerusalem suffers from a severe shortage of classrooms.

Israeli authorities have more actively restricted visas for foreign academics attempting to visit Palestinian universities in the West Bank since 2016, according to the Right to Enter Campaign.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

Residents have some freedom to engage in open private discussion, though Israeli and PA security forces are known to monitor online activity and arrest individuals for alleged incitement of violence or criticism of Palestinian authorities, respectively. In 2018, evidence emerged that the PA has engaged in extensive electronic surveillance of lawyers, activists, political figures, and others, which could have a deterrent effect on expression more broadly.

Human rights organizations have accused the PA of monitoring social media posts and detaining individuals for harsh questioning related to their comments. In recent years, individuals have been detained over posts that discussed plans for protests, denounced the government's response to the COVID-19 pandemic, allegedly defamed the authorities, or criticized the PA's relations with Israel.

In June 2021, PA security forces violently detained and physically abused Nizar Banat, a civic activist known for criticizing the PA and alleging corruption within Fatah on social media, resulting in his death in custody. Security forces then used violence and arbitrary arrests to disperse protests that were organized in response to Banat's killing.

Score Change: The score declined from 2 to 1 due to the death of an outspoken activist at the hands of PA security officers, and because the authorities' violent response to related protests served as a further deterrent to free expression.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (-1)

E1. Is there freedom of assembly? 1 / 4

The PA requires permits for demonstrations, and those organized to protest against the PA or its policies are generally prohibited and often violently dispersed by security forces. Following the June 2021 killing of activist and PA critic Nizar Banat, PA security personnel attacked related protests in Ramallah, detained and tortured some participants, and harassed many others, especially women.

Israel's Military Order 101 (1967) requires a permit for all political demonstrations of more than 10 people, and these permits are rarely granted in practice. Israeli Military Order 1651 (2009) is used to prosecute and sentence those accused of harming public order or engaging in alleged incitement. Israeli authorities frequently restrict and disperse demonstrations, some of which become violent, and certain protest areas are designated as closed military zones. Protesters are at risk of injury by tear-gas canisters, rubber-coated bullets, or live ammunition, and clashes between demonstrators and Israeli troops periodically result in fatalities. Israeli security agencies again used excessive force in response to protests that began in April 2021 over the threatened eviction of Palestinian families in the Sheikh Jarrah neighborhood of East Jerusalem and then greatly expanded in May.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4 (-1)

A broad range of nongovernmental organizations (NGOs) operate in the West Bank. However, Israeli restrictions on movement can impede civil society activity, Islamist groups have been periodically shut down by Israeli or PA officials, and activists who criticize the PA leadership can face harassment and abuse by security services.

A 2017 Israeli law bars entry for any foreign individual who publicly supports a boycott of Israel or its West Bank settlements. Among other applications, the law was used in 2019 to expel Omar Shakir, the Israel and Palestine representative for Human Rights Watch (HRW), for his advocacy against Israeli settlements in the West Bank.

In June and July 2021, Israeli authorities raided the offices, ordered the closure, and arrested staff members of two Palestinian NGOs, the Union of Health Work Committees and the Union of Agricultural Work Committees. In October, the Israeli government designated six Palestinian NGOs and human rights organizations, including the Union of Agricultural Work Committees, as "terrorist organizations." It provided little evidence that the groups, some of which received funding from European governments, had links to militant activity, and the move was criticized by international human rights organizations and UN experts as an attack on the broader Palestinian human rights movement.

In March 2021, the PA issued amendments to the law governing the work of the NGOs and charitable organizations, imposing onerous reporting requirements and intrusive financial controls on such groups. NGO representatives harshly criticized the amendments, arguing that they could effectively subordinate the civil society sector to PA government ministries.

Score Change: The score declined from 2 to 1 because the PA asserted greater regulatory control over NGOs through a decree issued in March, and because the Israeli government designated six Palestinian civil society groups as terrorist organizations in October.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers may establish unions without PA government authorization, but labor protections in general are poorly enforced. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry, and various other rules make it difficult to mount a legal strike. Palestinian workers in Jerusalem are subject to Israeli labor law.

The PA exerts pressure on unions with the aim of co-opting them or ensuring Fatah's dominance in their leadership and composition. Nevertheless, a critic of the PA, Nadia

Habash, was elected as head of the Engineers' Association in August 2021. Separately in March, the Doctors' Association began a strike over the PA's dismissal of their labor agreement; the head of the association and two other members were arrested by PA security forces in May. The Bar Association held multiple strikes and protests during the year, protesting interference by PA security forces, human rights violations, and lack of judicial independence.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 2 / 4

Palestinians in the West Bank are subject to the jurisdiction of both the Palestinian judiciary and the Israeli military court system, neither of which is fully independent. In 2019, President Abbas issued two decrees, the first dissolving the existing High Judicial Council and replacing it with a transitional body, and the second lowering the retirement age of judges. Although the transitional council included former members of the High Judicial Council, it was given an expanded mandate to restructure the judicial system. In December 2020, Abbas issued additional decrees that further consolidated his control over key judicial bodies and the appointment, retirement, and dismissal of judges.

Enforcement of judicial decisions is impeded by PA noncompliance as well as lack of Palestinian jurisdiction in Area C, where the Israeli military exerts exclusive control.

The Israeli civilian courts, which have jurisdiction over Israeli Jewish settlers in the West Bank, are independent.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The opaque distinction between criminal and security-related offenses, the regular use of detention without trial by both Palestinian and Israeli security forces, and the Israeli state's use of martial law and a military court system that applies exclusively to Palestinians in the West Bank all violate the due process rights of Palestinians. Israeli Jewish settlers are tried in Israeli civilian courts, which generally provide due process protections.

Human rights groups regularly document allegations of arbitrary detention by PA security forces. Palestinians are also detained without charges for extended periods by Israeli authorities. The Israeli military frequently conducts home raids without a warrant. According to Addameer Prisoner Support and Human Rights Association, there were approximately 4,550 Palestinian security detainees and prisoners from the West Bank being held in Israeli prisons as of December 2021, including 170 Palestinian minors from the occupied territories. Detained minors are usually interrogated without a lawyer or parental guardian present and are tried by a special military court that has been criticized for a lack of due process protections. East Jerusalem Palestinian minors are tried in Israeli civilian juvenile courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Penal codes applicable in the West Bank permit capital punishment, but no executions have been carried out since 2005. In 2018, the State of Palestine became a signatory to the International Covenant on Civil and Political Rights, which tightly restricts the use of capital punishment.

Physical abuse of detainees by PA authorities in the West Bank has been documented by human rights organizations. There is also substantial evidence of the use of physical and psychological abuse by the Israeli military.

Israeli soldiers accused of excessive force or abuse of Palestinian civilians are subject to Israeli military law, though convictions, which are very rare, typically result in light sentences. The Israeli human rights group B'Tselem has estimated that the chance of a complaint leading to an indictment is just 3 percent. UN OCHA reported that a total of 78

Palestinians were killed by Israeli security forces in the West Bank, including East Jerusalem, during 2021.

Israeli Jewish settlers who attack Palestinian individuals, property, and agricultural resources generally enjoy impunity and de facto protection from the Israeli army. B'Tselem documented 451 settler attacks on Palestinians and their property, including more than 200 that involved physical assault or live ammunition, from 2020 through September 2021. When Israeli security forces were present, they typically stood by or participated in the attacks.

Israeli security personnel and settlers also continue to face attacks by Palestinians, though on a smaller scale. According to UN OCHA, three Israelis were killed by Palestinians in the West Bank during 2021.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The legal arrangements operative in the West Bank are fundamentally discriminatory: Israelis and Palestinians who reside or commit crimes in the same location are subject to different courts and laws. In January 2021, B'Tselem published a position paper concluding that the Israeli-imposed occupation regime in the West Bank, combined and contrasted with conditions inside Israel, met the definition of “apartheid” under international law, meaning it used systematic oppression to maintain the domination of one racial or ethnic group over another. Similarly, in April 2021, HRW published a report supported by wealth of evidence to make the case that the Israeli state is guilty of apartheid and persecution—crimes against humanity under international law.

While some PA laws and policies are designed to uphold equality for women and improve their status, these limited protections are often subordinated in practice to discriminatory societal norms, and enforcement is lacking. Palestinian women are underrepresented in most professions and encounter discrimination in employment, though they have equal access to universities. Women are legally excluded from what are deemed dangerous occupations. Gender-based harassment and violence remain major problems. Among Israelis, women are treated equally in Israeli criminal and civil courts and have achieved substantial parity within Israeli society, though economic and other forms of discrimination persist.

Although LGBT+ people in the West Bank do not face prosecution for same-sex sexual activity, they have been subject to harassment and abuse by PA authorities and members of society, and there are no PA laws that specifically prohibit discrimination based on sexual orientation or gender identity. Discrimination based on sexual orientation is illegal under the laws that apply to Israelis, though LGBT+ people continue to face bias in some Israeli communities. Gay and transgender Israelis are permitted to serve openly in the military.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Israeli checkpoints, travel permits, and other restrictions continue to seriously constrain freedom of movement, stunt trade, and limit Palestinian access to jobs, hospitals, and schools.

The Israeli separation barrier, 85 percent of which lies in West Bank territory and which was declared illegal in 2004 by the International Court of Justice, divides Palestinian communities and causes general hardship and disruption of services.

East Jerusalem Palestinians are vulnerable to revocation of their residency status if they leave the city for extended periods of time, affecting their freedom to travel, or if they are deemed to be a threat to public safety, security, or the state of Israel.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While Palestinians are able to own property and engage in business activity, their rights are seriously undermined by Israeli movement and access restrictions and the expansion of Israeli Jewish settlements, which is encouraged by the Israeli government and private groups. Israeli authorities employ a variety of methods to prevent Palestinians from developing their privately owned land, particularly in Area C, for example by declaring nature reserves, denying permit requests, and demolishing structures. Palestinian property is also illegally damaged by Israeli settlers.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Palestinian laws and societal norms, derived in part from Islamic law, put women at a disadvantage in matters such as marriage and divorce. For Palestinian Christians and Israeli Jewish settlers, personal status issues are governed by their respective religious courts, which can also impose some disadvantages on women. Rape and domestic abuse remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases.

The problem of so-called honor killings and other gender-based violence persists in the West Bank. A 2018 PA law amended a provision in the penal code that had been used to grant leniency to the perpetrators of honor killings, prohibiting its application in cases of serious crimes against women and children. However, activists argue that the practical effects of these changes have been minimal.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Unemployment rates in the Palestinian territories are high compared with the rest of the Middle East and global averages. The excess supply of workers creates conditions in which labor exploitation is more likely. PA laws restricting child labor are not effectively enforced.

Many West Bank Palestinians, most of them male, work in Israel and the settlements, where the PA has no jurisdiction. While these workers are covered by Israeli labor laws, the International Labour Organization (ILO) reported in 2018 that inconsistent application of these laws remains a concern. The Palestinians' work permits usually tie them to a single employer, creating a relationship of dependency, according to the ILO. Nonetheless, some laborers have achieved collective bargaining agreements with their Israeli employers. Tens of thousands of Palestinians work without permits, making them vulnerable to greater exploitation. Many Palestinians lose considerable income to brokers who connect Palestinian workers to Israeli employers.

Western Sahara*

Population: 600,000

Freedom Status: Not Free

Note: *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview: Morocco has claimed authority over Western Sahara since 1975, but the United Nations considers it a “non-self-governing territory.” Morocco controls the most populous area along the Atlantic coastline, more than three-quarters of the territory; this area, which Rabat calls the “Southern Provinces,” is represented in that country’s parliament. The Polisario Front controls land in Western Sahara’s eastern and southern reaches. Rabat regularly offers autonomy, but the Polisario demands an independence referendum. A long-promised referendum on Western Sahara’s status has never been held. A 1991 UN-brokered cease-fire deteriorated in 2020. Civil liberties are severely restricted in Moroccan-controlled territory, especially relating to independence activism; civil liberties are similarly curtailed in Polisario-controlled territory.

KEY DEVELOPMENTS IN 2021

- In April, a Moroccan drone killed Polisario Front commander Addah al-Bendir as he reportedly led an attack along the sand berm separating Moroccan- and Polisario-controlled territory.
- Also in April, Polisario Front leader Ibrahim Ghali sought COVID-19 treatment in Spain. Moroccan authorities reportedly retaliated by allowing thousands of migrants to enter the Spanish enclave of Ceuta in May. Ghali left for Algeria in June.
- In October, UN Secretary-General António Guterres appointed Staffan de Mistura as his envoy to Western Sahara; de Mistura succeeded former German president Horst Köhler, who left the post in 2019.

POLITICAL RIGHTS: -3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Morocco controls more than three-quarters of Western Sahara, and Moroccan authorities allow no proindependence candidates to run for office.

The Polisario Front is based in Tindouf, Algeria. It leads a nationalist movement comprised of members of the Sahrawi ethnic group and controls the less-populated interior of the territory. The constitution of the government-in-exile states that the leader of the Polisario Front—currently Ibrahim Ghali—is the territory’s president, but it does not hold regular elections within the territory.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

In the Moroccan-controlled portion of the territory, voters elect 13 representatives to the parliament in Rabat. Turnout in municipal and parliamentary elections in Western Sahara is difficult to ascertain, but reports are that it is chronically low.

The Sahrawi Arab Democratic Republic (SADR), the breakaway government, maintains a 51-member Sahrawi National Council, which is indirectly elected by the General Popular Congress of the Polisario Front. Most voting occurs in refugee camps in Algeria. The Polisario Front organizes the elections and does not allow any political parties to compete.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral framework is not fair, given the constraints on representation in Moroccan-controlled territory, the prohibition of any candidate who challenges Moroccan control of the territory to run for Parliament, and Moroccan control of the media.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

The Polisario Front, which controls the government-in-exile and the eastern and southern portions of the territory, does not allow other political parties to compete. In recent years, it has cracked down on political dissent, imprisoning a number of opponents.

In Moroccan-controlled areas, the Polisario Front is banned, and proindependence parties are not allowed to form.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Since political parties that advocate for Sahrawi independence or autonomy cannot function in Moroccan-controlled areas, the most salient opposition elements cannot gain power through elections. No credible opposition exists in territory controlled by the Polisario Front due to the ban on other political parties.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

People's political choices in Moroccan-controlled areas are dominated by Rabat. The government-in-exile in Tindouf is ostensibly autonomous but works closely with Algerian authorities. As a "non-self-governing territory," the people in the region are unable to elect an independent government.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Due to the territory's status and lack of sovereignty, no segment of the population has full political rights or electoral opportunities. However, women play a significant role in political activism. Many women are leaders in the independence movement and organize the refugee camps in Algeria.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Western Sahara has no freely elected leaders. Representatives from Moroccan-controlled territory serve in the lower house of the Moroccan parliament, which is dominated by the monarchy. The monarch and his circle of advisers and associates—collectively known as the *Makhzen* ("central storehouse")—effectively determine government policy regarding the territory. The Polisario Front governs portions of the territory in its control.

The Polisario has long accused Rabat of exploiting Western Sahara's natural resources. Morocco–European Union (EU) trade agreements have included Polisario-claimed territory even as legal disputes were being considered. The European Parliament approved agricultural and fisheries agreements with Morocco in 2019, the latter of which was approved by the European Council that year. While a European Court of Justice (ECJ) ruling required the EU to seek local consent on agreements covering the disputed territory, the Polisario Front did not participate in consultations on the agreements and sought redress at the ECJ. In September 2021, the General Court of the EU annulled the agreements for lack of local consent but left them in effect pending possible appeal.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption among Moroccan state officials is widespread and investigations are rare. Corruption occurs primarily to facilitate the exploitation of natural resources—phosphates, hydrocarbons, and fisheries—by Moroccan and international interests. In Tindouf, official corruption among members of the Polisario is similarly widespread.

C3. Does the government operate with openness and transparency? 0 / 4

Morocco's restrictive access to information laws apply to Western Sahara. Information about Western Sahara is nearly nonexistent, which severely limits transparency. The Moroccan government publishes budget and financial information online, and public officials—including parliament members, judges, and civil servants—are required to declare their assets. However, nongovernmental organizations (NGOs) assert that many officials do not provide this information, and the law provides no penalties for noncompliance.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

Before and since the establishment of the UN Mission for the Referendum in Western Sahara (MINURSO) in 1991, Rabat endeavored to change the population's balance in its favor. By some accounts, Moroccans now outnumber Sahrawis in Western Sahara. Despite this apparent trend, Morocco continues to work to prevent a referendum over the territory's final status. Morocco constructed a sand berm to divide territory under its control from Sahrawi-controlled territory in the east.

CIVIL LIBERTIES: 7 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16****D1. Are there free and independent media? 0 / 4**

Some pro-Sahrawi media outlets do operate, such as the all-volunteer Equipe Media group, but they face regular harassment by Moroccan authorities, who ensure that reporting does not dispute Morocco's sovereignty over Western Sahara. The Moroccan 2016 Press Code prohibits challenges to "territorial integrity," which potentially criminalizes independent journalism that focuses on Western Sahara. Print outlets found to violate this provision risk suspension, while news sites face potential blocking. Journalists accused of challenging Morocco's territorial integrity could face prison sentences of between six months and two years.

International media are carefully vetted and scrutinized during their visits to Moroccan-controlled territory. Reporters visiting Tindouf are said to enjoy greater freedom of movement and inquiry, but such claims are difficult to substantiate. In Polisario-controlled territory, press freedoms are also limited, with television and radio coverage reflecting the ideology and viewpoints of the Polisario. Some exiled groups provide coverage from outside Western Sahara. Internet access is limited throughout the territory.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

Moroccan authorities generally do not interfere with religious practices, although as in Morocco proper, mosques are closely monitored by authorities. Moroccan law prohibits any efforts to convert a Muslim to another faith. It is illegal to publicly criticize Islam.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Educators practice self-censorship around the status of Western Sahara, as Moroccan law criminalizes debate that calls this into question. Other sensitive topics include the monarchy and Islam. The University of Tifariti was established in 2013 as the first university in Polisario-controlled territory.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

As in Morocco proper, there is concern about state surveillance of online activity and personal communications, and people do not feel free to speak privately about the status of Western Sahara and other sensitive topics. Freedom of expression is profoundly curtailed in Polisario-controlled areas as well.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12**E1. Is there freedom of assembly? 0 / 4**

Demonstrations and protests are broken up regularly, particularly on sensitive issues such as self-determination and Sahrawi prisoners held by Moroccan authorities. Protesters are frequently arrested and beaten.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

NGOs that advocate for independence or question Islam as the state religion are denied official registration by the Moroccan government. Organizations that meet the government's criteria are frequently denied registration as well. Foreign NGO representatives observing the human rights situation of Moroccan-controlled areas have been expelled.

In March 2021, Amnesty International and Human Rights Watch (HRW) reported that Moroccan security forces maintained an active presence near the home of proindependence activist Sultana Khaya, who resides in the territory.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Moroccan unions are present but are largely inactive in Western Sahara. Government restrictions limit the right to strike. Most union members work for the Moroccan government.

The Polisario Front has a trade union called the Sahrawi Trade Union (UGTSARIO), which is also inactive; there is little economic activity in the refugee camps in Tindouf, and there is no functioning labor market in Polisario-controlled territory.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

Courts in Western Sahara are controlled by Morocco and their rulings reflect Rabat's interests. Executive interference and corruption significantly impede judicial independence.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process rights are not respected. A group of Sahrawis imprisoned in 2017 over the 2010 deaths of Moroccan security personnel were allegedly tortured before confessing.

Proindependence advocates and other civil society leaders are often arbitrarily arrested, particularly in the aftermath of demonstrations. International human rights groups view many Sahrawis in Moroccan prisons as political prisoners.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The Moroccan military and the Polisario Front have engaged in regular fighting since the late-2020 collapse of a cease-fire; the Polisario Front uses guerrilla tactics against Moroccan forces, regularly targeting personnel deployed along the sand berm. In April 2021, a Moroccan drone killed Polisario commander Addah al-Bendir as he reportedly led an attack along the berm. In November, the Algerian government claimed that Moroccan forces killed three Algerians traveling on a road that passes through the territory.

In October 2021, UN Secretary-General Guterres appointed Staffan de Mistura as his envoy to Western Sahara; de Mistura succeeded former German president Horst Köhler, who left the post in 2019. Also in October 2021, the UN Security Council renewed MINURSO's mandate for one year.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Sahrawis experience discrimination in access to education and employment. According to Sahrawi activists, Moroccan settlers are favored by employers in the phosphate mining industry, which is a predominant source of employment.

Women play leadership roles at the Sahrawi camps in Algeria, and some Sahrawi have described life in these camps as matriarchal. However, cultural norms also dictate that women stay at home and manage the household.

Moroccan law prohibits same-sex sexual acts.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Morocco and the Polisario Front both restrict free movement in Western Sahara. The sand berm, constructed by Morocco in the 1980s, is 1,700 miles long. The wall, which is surrounded on both sides by land mines, constitutes what may be the longest continuous minefield in the world.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The territory's occupied status leaves property rights insecure. No credible free market exists within the territory. The SADR government routinely signs contracts with firms for the exploration of oil and gas, although these cannot be implemented given the territory's status.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

In Polisario-controlled territory and in Tindouf, women have a relatively higher social status than in Morocco. However, social freedoms are curtailed. Moroccan law criminalizes both adultery and premarital sex. Spousal rape is not considered a crime.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic opportunity is inhibited by the territory's undetermined status. The economic activity generated by companies that exploit the country's natural resources generally does not benefit the Sahrawi population. Sex trafficking, often affecting young girls, takes place in coastal fishing villages.

Freedom in the World 2022

Methodology Questions

POLITICAL RIGHTS

A. ELECTORAL PROCESS

A1. Was the current head of government or other chief national authority elected through free and fair elections? (Note: Heads of government chosen through various electoral frameworks, including direct elections for president, indirect elections for prime minister by parliament, and the electoral college system for electing presidents, are covered under this question. In cases of indirect elections for the head of government, the elections for the legislature or other body that chose the head of government, as well as the selection process for the head of government itself, should be taken into consideration. In systems where executive authority is formally divided between a head of state and a head of government, greater weight should be given to elections for the official with the most executive authority.)

- Did independent, established, and reputable national and/or international election monitoring organizations judge the most recent election for head of government to have met democratic standards?
- Was the most recent election for head of government called in a timely manner, without undue, politically motivated delays or an accelerated schedule that unfairly limited campaign opportunities for some candidates?
- Was the registration of voters and candidates conducted in an accurate, timely, transparent, and nondiscriminatory manner?
- Were women allowed to register and run as candidates?
- Could all candidates make speeches, hold public meetings, and enjoy fair or proportionate media access throughout the campaign, free of intimidation?
- Did voting take place by secret ballot?
- Were voters able to vote for the candidate or party of their choice without undue pressure or intimidation?
- Was the vote count transparent and timely, and were the official results reported honestly to the public?
- Could election monitors from independent groups and representing parties/candidates watch the counting of votes to ensure its honesty?
- Did voters have equal access to polling places and opportunities to cast ballots?
- Has the most recently elected head of government been removed from office through violent, irregular, unconstitutional, or otherwise undemocratic means? (Note: Although a bloodless coup may ultimately lead to a positive outcome—particularly if it removes a head of government who was not freely and fairly elected—the new leader has not been freely and fairly elected and cannot be treated as such.)
- Has the head of government's electorally mandated term expired or been extended without new elections?

- In cases where elections for regional, provincial, or state governors and/or other subnational executive officials differ significantly in conduct from national elections, does the conduct of the subnational elections reflect an opening toward improved political rights in the country, or, alternatively, a worsening of political rights?

A2. Were the current national legislative representatives elected through free and fair elections?

- Did independent, established, and reputable domestic and/or international election monitoring organizations judge the most recent national legislative elections to have met democratic standards?
- Were the most recent legislative elections called in a timely manner, without undue, politically motivated delays or an accelerated schedule that unfairly limited campaign opportunities for some parties or candidates?
- Was the registration of voters and candidates conducted in an accurate, timely, transparent, and nondiscriminatory manner?
- Were women allowed to register and run as candidates?
- Could all candidates make speeches, hold public meetings, and enjoy fair or proportionate media access throughout the campaign, free of intimidation?
- Did voting take place by secret ballot?
- Were voters able to vote for the candidate or party of their choice without undue pressure or intimidation?
- Was the vote count transparent and timely, and were the official results reported honestly to the public?
- Could election monitors from independent groups and representing parties/candidates watch the counting of votes to ensure its honesty?
- Have members of the most recently elected national legislature been removed from office through violent, irregular, unconstitutional, or otherwise undemocratic means? (Note: Although a bloodless coup may ultimately lead to a positive outcome—particularly if it removes a legislature that was not freely and fairly elected—an appointed postcoup legislative body has not been freely and fairly elected and cannot be treated as such.)
- Has the legislature's electorally mandated term expired or been extended without new elections?
- In cases where elections for subnational councils/parliaments differ significantly in conduct from national elections, does the conduct of the subnational elections reflect an opening toward improved political rights in the country, or, alternatively, a worsening of political rights?

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

- Is there a clear, detailed, and fair legislative framework for conducting elections? (Note: Changes to electoral laws should not be made immediately preceding an election if these changes infringe on the ability of voters, candidates, or parties to fulfill their roles in the election.)
- Does the composition of election commissions ensure their independence?
- Are election commissions or other election authorities free from government or other pressure and interference?
- Do adult citizens enjoy universal and equal suffrage?

- Is the drawing of election districts conducted in a fair and nonpartisan manner, as opposed to malapportionment or gerrymandering for personal or partisan advantage?
- Has the selection of a system for choosing legislative representatives (such as proportional versus majoritarian) been improperly manipulated to advance certain political interests or to influence the electoral results?
- Are procedures for changing the electoral framework at the constitutional level, including referendums, carried out fairly and transparently, with adequate opportunity for public debate and discussion?

B. POLITICAL PLURALISM AND PARTICIPATION

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

- Do political parties encounter undue legal or practical obstacles in their efforts to form and operate, including onerous registration requirements, excessively large membership requirements, etc.?
- Do parties face discriminatory or onerous restrictions in holding meetings or rallies, accessing the media, or engaging in other peaceful activities?
- Are laws and regulations governing party financing fair and equitably enforced? Do they impose excessive obstacles to political and campaign activity, or give an effective advantage to certain parties?
- Are party members or leaders intimidated, harassed, arrested, imprisoned, or subjected to violent attacks as a result of their peaceful political activities?
- In systems dominated by political parties, can independent candidates register and operate freely?

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

- Are various legal/administrative restrictions selectively applied to opposition parties to prevent them from increasing their support base or successfully competing in elections?
- Are there genuine opposition forces in positions of authority, such as in the national legislature or in subnational governments?
- Does intimidation, harassment, arrest, imprisonment, or violent attack as a result of peaceful political activities affect the ability of opposition party members or leaders to increase their support or gain power through elections?
- Is there a significant opposition vote?
- Did major opposition parties choose to boycott the most recent elections rather than participate in a flawed process?

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

- Do entities that are external to the political system (the military, foreign powers, economic oligarchies, criminal organizations, armed militants, or any other powerful group) intimidate, harass, or attack voters or political figures in order to influence their political choices?
 - Do such groups offer bribes or other incentives to voters or political figures in order to influence their political choices?
 - Do entities within the political system, such as major parties and incumbent leaders, use extrapolitical means (corrupt patronage networks, control over land
-

or employment, control over security forces, control over party militias, manipulation of state institutions or resources) to exert improper influence over the political choices of voters or political figures?

- Do traditional or religious leaders use extrapolitical means (control over communal land or resources, bribes or economic incentives, violence or intimidation) to exert improper influence over the political choices of voters or political figures?
- Do major private or public-sector employers directly or indirectly control the political choices of their workers?
- Do major private donors to political parties or causes use opaque or illegal methods to exert improper influence over voters or political figures?
- Does the formal structure of the political system give overriding authority to entities that are not accountable to voters (hereditary monarchs, religious hierarchies, unelected military or party officials, the sole legal party in one-party states), thus excluding the public from meaningful political participation?

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

- Do national political parties of various ideological persuasions address issues of specific concern to these groups?
- When other parties fail to address the interests of certain groups, are political parties that are focused on those groups—provided they espouse peaceful, democratic values—legally permitted and de facto allowed to operate?
- Does the government inhibit the participation of certain groups in national or subnational political life through laws and/or practical obstacles—for example, by limiting access to voter registration or failing to publish public documents in certain languages?
- Are the interests of women represented in political parties—for example, through party manifestos that address gender issues, gender equality policies within parties, and mechanisms to ensure women's full and equal participation in internal party elections and decision-making?
- Are there unusually excessive or discriminatory barriers to acquiring citizenship that effectively deny political rights to a majority or large portion of the native-born or legal permanent population, or is citizenship revoked to produce a similar result?

C. FUNCTIONING OF GOVERNMENT

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? (Note: Because the score for question C1 is partly dependent on the presence of a freely elected head of government and national legislative representatives, under most circumstances it will not exceed the average of the scores for questions A1 and A2.)

- Are the candidates who were elected freely and fairly duly installed in office, and were they able to form a functioning government within a reasonable period of time?
- Do other appointed or non-freely elected state actors interfere with or prevent freely elected representatives from adopting and implementing legislation and making meaningful policy decisions?
- Do nonstate actors, including criminal gangs and insurgent groups, interfere with or prevent elected representatives from adopting and implementing legislation and making meaningful policy decisions?

- Do the armed forces or other security services control or enjoy a preponderant influence over government policy and activities, including in countries that are nominally under civilian control?
- Do foreign governments control or enjoy a preponderant influence over government policy and activities by means including the presence of foreign military troops and the use of significant economic threats or sanctions? (Note: If a treaty was signed and ratified by a freely elected government, adherence to that treaty is typically not considered an improper external influence on policymaking, even if it limits a government's options in practice.)
- Is the freely elected government able to implement its decisions across the entire territory without interference from nonstate actors?
- Does the executive exhibit excessive dominance over the legislature?
- Has partisan polarization or obstructionism seriously impaired basic executive or legislative functions, such as approving a budget or filling important vacancies?

C2. Are safeguards against official corruption strong and effective?

- Has the government implemented effective anticorruption laws or programs to prevent, detect, and punish corruption among public officials, including conflicts of interest?
- Is the government free from excessive bureaucratic regulations, registration requirements, or other controls that increase opportunities for corruption?
- Are there independent and effective auditing and investigative bodies that function without impediment or political pressure or influence?
- Are allegations of corruption involving government officials thoroughly investigated and prosecuted without prejudice or political bias?
- Are allegations of corruption given extensive and substantive airing in the media?
- Do whistleblowers, anticorruption activists, investigators, and journalists enjoy legal protections that allow them to freely and safely report abuses?

C3. Does the government operate with openness and transparency?

- Do citizens have the legal right and practical ability to obtain information about state operations and the means to petition government agencies for it?
 - Does the government publish information online, in machine-readable formats, for free, and is this information accessible by default?
 - Are civil society groups, interest groups, journalists, and other citizens given a fair and meaningful opportunity to comment on and influence pending policies or legislation?
 - Are elected representatives accessible to their constituents?
 - Is the budget-making process subject to meaningful legislative review and public scrutiny?
 - Does the state ensure transparency and effective competition in the awarding of government contracts?
 - Are the asset declarations of government officials open to public and media scrutiny and verification?
-

**ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION
(SEE EXPLANATION IN ANALYST GUIDELINES):**

Q: Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

- Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
- Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
- Is the government arresting, imprisoning, or killing members of certain ethnic groups in order change the ethnic composition of a region or regions?

CIVIL LIBERTIES

D. FREEDOM OF EXPRESSION AND BELIEF

D1. Are there free and independent media? (Note: “Media” refers to all relevant sources of news and commentary—including formal print, broadcast, and online news outlets, as well as social media and communication applications when they are used to gather or disseminate news and commentary for the general public. The question also applies to artistic works in any medium.)

- Are the media directly or indirectly censored?
 - Is self-censorship common among journalists (the term includes professional journalists, bloggers, and citizen journalists), especially when reporting on sensitive issues, including politics, social controversies, corruption, or the activities of powerful individuals?
 - Are journalists subject to pressure or surveillance aimed at identifying their sources?
 - Are libel, blasphemy, security, or other restrictive laws used to punish journalists who scrutinize government officials and policies or other powerful entities through either onerous fines or imprisonment?
 - Is it a crime to insult the honor and dignity of the president and/or other government officials? How broad is the range of such prohibitions, and how vigorously are they enforced?
 - If media outlets are dependent on the government for their financial survival, does the government condition funding on the outlets’ cooperation in promoting official points of view and/or denying access to opposition parties and civic critics? Do powerful private actors engage in similar practices?
 - Do the owners of private media exert improper editorial control over journalists or publishers, skewing news coverage to suit their personal business or political interests?
 - Is media coverage excessively partisan, with the majority of outlets consistently favoring either side of the political spectrum?
 - Does the government attempt to influence media content and access through means including politically motivated awarding or suspension of broadcast frequencies and newspaper registrations, unfair control and influence over printing facilities and distribution networks, blackouts of internet or mobile service, selective distribution of advertising, onerous operating requirements, prohibitive tariffs, and bribery?
-

- Are journalists threatened, harassed online, arrested, imprisoned, beaten, or killed by government or nonstate actors for their legitimate journalistic activities, and if such cases occur, are they investigated and prosecuted fairly and expeditiously?
- Do women journalists encounter gender-specific obstacles to carrying out their work, including threats of sexual violence or strict gender segregation?
- Are works of literature, art, music, or other forms of cultural expression censored or banned for political purposes?

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private?

- Are registration requirements employed to impede the free functioning of religious institutions?
- Are members of religious groups, including minority faiths and movements, harassed, fined, arrested, or beaten by the authorities for engaging in their religious practices?
- Is state monitoring of peaceful religious activity so indiscriminate, pervasive, or intrusive that it amounts to harassment or intimidation?
- Are religious practice and expression impeded by violence or harassment by nonstate actors?
- Does the government appoint or otherwise influence the appointment of religious leaders?
- Does the government control or restrict the production and distribution of religious writings or materials?
- Is the construction of religious buildings banned or restricted?
- Does the government place undue restrictions on religious education? Does the government require religious education?
- Are individuals free to eschew religious beliefs and practices in general?

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination?

- Are teachers and professors at both public and private institutions free to pursue academic activities of a political and quasi-political nature without fear of physical violence or intimidation by state or nonstate actors?
- Does the government pressure, strongly influence, or control the content of school curriculums for political purposes?
- Is the allocation of funding for public educational institutions free from political manipulation?
- Are student associations that address issues of a political nature allowed to function freely?
- Does the government, including through school administration or other officials, pressure students and/or teachers to support certain political figures or agendas, including by requiring them to attend political rallies or vote for certain candidates? Conversely, does the government, including through school administration or other officials, discourage or forbid students and/or teachers from supporting certain candidates and parties?

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

- Are people able to engage in private discussions, particularly of a political nature, in public, semipublic, or private places—including restaurants, public transportation, and their homes, in person or on the telephone—without fear of harassment or detention by the authorities or nonstate actors?
-

- Do users of personal online communications—including direct messages, voice or video applications, or social media accounts with a limited audience—face legal penalties, harassment, or violence from the government or powerful nonstate actors in retaliation for critical remarks?
- Does the government employ people or groups to engage in public surveillance and to report alleged antigovernment conversations to the authorities?

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS

E1. Is there freedom of assembly?

- Are peaceful protests, particularly those of a political nature, banned or severely restricted?
- Are the legal requirements to obtain permission to hold peaceful demonstrations particularly cumbersome or time-consuming?
- Are participants in peaceful demonstrations intimidated, arrested, or assaulted?
- Are peaceful protesters detained by police in order to prevent them from engaging in such actions?
- Are organizers blocked from using online media to plan or carry out a protest, for example through DDoS attacks or wholesale blackouts of internet or mobile services?
- Are similar restrictions and obstacles used to impede other public events, such as conferences, panel discussions, and town hall–style meetings?
- Are public petitions, in which citizens gather signatures to support a particular policy or initiative, banned or severely restricted?

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? (Note: This includes civic organizations, interest groups, foundations, think tanks, gender rights groups, etc.)

- Are registration and other legal requirements for nongovernmental organizations particularly onerous or intended to prevent them from functioning freely?
- Are laws related to the financing of nongovernmental organizations unduly complicated and cumbersome, or are there obstacles to citizens raising money for charitable causes or civic activism?
- Are donors and funders of nongovernmental organizations free from government pressure?
- Are members of nongovernmental organizations intimidated, arrested, imprisoned, or assaulted because of their work?

E3. Is there freedom for trade unions and similar professional or labor organizations?

- Are trade unions allowed to be established and to operate without government interference?
 - Are workers pressured by the government or employers to join or not to join certain trade unions, and do they face harassment, violence, or dismissal from their jobs if they fail to comply?
 - Are workers permitted to engage in strikes, and do participants in peaceful strikes face reprisals? (Note: This question may not apply to workers in narrowly defined essential government services or public safety jobs.)
 - Are unions able to bargain collectively with employers and negotiate agreements that are honored in practice?
 - For states with primarily agricultural economies that do not necessarily support the formation of trade unions, does the government allow for the establishment
-

of agricultural workers' organizations or their equivalents? Is there legislation expressly forbidding the formation of trade unions?

- Are professional organizations, including business associations, allowed to operate freely and without government interference?

F. RULE OF LAW

F1. Is there an independent judiciary?

- Is the judiciary subject to interference from the executive branch of government or from other political, economic, or religious influences?
- Are judges appointed and dismissed in a fair and unbiased manner?
- Do judges rule fairly and impartially, or do they commonly render verdicts that favor the government or particular interests, whether in return for bribes or for other reasons?
- Do executive, legislative, and other governmental authorities comply with judicial decisions, and are these decisions effectively enforced?
- Do powerful private entities comply with judicial decisions, and are decisions that run counter to the interests of powerful actors effectively enforced?

F2. Does due process prevail in civil and criminal matters?

- Are defendants' rights, including the presumption of innocence until proven guilty, protected?
- Do detainees have access to independent, competent legal counsel regardless of their financial means?
- Are defendants given a fair, public, and timely hearing by a competent, independent, and impartial tribunal?
- Is access to the court system in general dependent on an individual's financial means?
- Are prosecutors independent of political control and influence?
- Are prosecutors independent of powerful private interests, whether legal or illegal?
- Do law enforcement and other security officials operate professionally, independently, and accountably?
- Do law enforcement officials make arbitrary arrests and detentions without warrants, or fabricate or plant evidence on suspects?
- Do law enforcement and other security officials fail to uphold due process because of influence by nonstate actors, including organized crime, powerful commercial interests, or other groups?

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

- Do law enforcement officials beat detainees during arrest or use excessive force or torture to extract confessions?
 - Are conditions in pretrial detention facilities and prisons humane and respectful of the human dignity of inmates?
 - Do citizens have the means of effective petition and redress when they suffer physical abuse by state authorities?
 - Does the law allow corporal punishment, and are such penalties employed in practice?
 - In countries that allow the death penalty, is it applied for crimes other than murder or in a manner that violates basic standards of justice?
 - Is violent crime common, either in particular areas or among the general population?
-

- Is the population subjected to physical harm, forced removal, or other acts of violence or terror due to civil conflict or war?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

- Are members of various distinct groups—including ethnic, racial, religious, gender, LGBT+, and other relevant groups—able to effectively exercise their human rights with full equality before the law?
- Is violence against such groups considered a crime, is it widespread, and are perpetrators brought to justice?
- Do members of such groups face legal and/or de facto discrimination in areas including employment, education, and housing because of their identification with a particular group?
- Do noncitizens—including migrant workers and noncitizen immigrants—enjoy basic internationally recognized human rights, including the right not to be subjected to torture or other forms of ill-treatment, the right to due process of law, and the freedoms of association, expression, and religion?
- Do the country's laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees, its 1967 Protocol, and other regional treaties regarding refugees? Has the government established a system for providing protection to refugees, including against *refoulement* (the return of persons to a country where there is reason to believe they would face persecution)?

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

- Are there restrictions on foreign travel, including an exit visa system, which may be enforced selectively?
- Is permission required from the authorities or nonstate actors to move within the country?
- Do state or nonstate actors control or constrain a person's ability to change their type and place of employment?
- Are bribes or other inducements needed to obtain the necessary documents to travel, change one's place of residence or employment, enter institutions of higher education, or advance in school?
- Is freedom of movement impaired by general threats to physical safety, such as armed conflict? Do such threats lead to forced displacement?
- Do women enjoy the same freedom of movement as men?

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

- Are people legally allowed to purchase and sell land and other property, and can they do so in practice without undue interference from the government or nonstate actors?
- Do women face discrimination in property and inheritance rights?
- Is fair business competition heavily skewed by political favoritism, cronyism, or other improper interference?
- Are individuals protected from arbitrary expropriation, and do they receive adequate and timely compensation when property is seized?
- Are people legally allowed to establish and operate private businesses with a reasonable minimum of registration, licensing, and other requirements?

- Are bribes or other inducements needed to obtain the necessary legal documents to operate private businesses?
- Do private/nonstate actors, including criminal groups, seriously impede private business activities through such measures as extortion?

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

- Are personalized forms of violence—including domestic violence, female genital mutilation/cutting, sexual abuse, and rape—widespread, and are perpetrators brought to justice?
- Does the government directly or indirectly control choice of marriage partner or other personal relationships through means such as bans on interfaith marriages, failure to enforce laws against child marriage or dowry payments, restrictions on same-sex relationships, or criminalization of extramarital sex?
- Do individuals enjoy equal rights in divorce proceedings and child custody matters?
- Do citizenship or residency rules undermine family integrity through excessively high or discriminatory barriers for foreign spouses or transmission of citizenship to children?
- Does the government determine the number of children that a couple may have, including by denying access to or imposing birth control, or by criminalizing or imposing abortion?
- Does the government restrict individuals' choice of dress, appearance, or gender expression?
- Do private institutions or individuals, including religious groups or family members, unduly infringe on the personal social freedoms of individuals, including choice of marriage partner, family size, dress, gender expression, etc.?

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation?

- Do state or private employers exploit their workers through practices including unfairly withholding wages, permitting or forcing employees to work under unacceptably dangerous conditions, or adult slave labor and child labor?
 - Does tight government control over the economy, including through state ownership or the setting of prices and production quotas, inhibit individuals' economic opportunity?
 - Do the revenues from large state industries, including the energy sector, benefit the general population or only a privileged few?
 - Do private interests exert undue influence on the economy—through monopolistic practices, concentration of ownership, cartels, or illegal blacklists—that impedes economic opportunity for the general population?
 - Do laws, policies, or persistent socioeconomic conditions effectively impose rigid barriers to social mobility, generally preventing individuals from rising to higher income levels over the course of their lives?
 - Is the trafficking of persons for labor, sexual exploitation, forced begging, etc., widespread, and is the government taking adequate steps to address the problem?
-

KEY TO SCORES, PR AND CL RATINGS, STATUS

TABLE 1

Political Rights (PR)	
Total Scores	PR Rating
36–40	1
30–35	2
24–29	3
18–23	4
12–17	5
6–11	6
0–5*	7

TABLE 2

Civil Liberties (CL)	
Total Scores	CL Rating
53–60	1
44–52	2
35–43	3
26–34	4
17–25	5
8–16	6
0–7	7

TABLE 3

Combined Average of the PR and CL Ratings (Freedom Rating)	Freedom Status
1.0 to 2.5	Free
3.0 to 5.0	Partly Free
5.5 to 7.0	Not Free

* It is possible for a country's total political rights score to be less than 0 (between –1 and –4) if it receives mostly or all 0s for each of the 10 PR questions *and* it receives a sufficiently negative score for the additional discretionary PR question. In such a case, a country would still receive a final PR rating of 7.

Tables and Ratings

Countries

Country	PR	CL	Freedom Status
Afghanistan	7 ▼	6	Not Free
Albania	3	3	Partly Free
Algeria	6	5	Not Free
Andorra	1	1	Free
Angola	6	5	Not Free
Antigua and Barbuda	2	2	Free
Argentina	2	2	Free
Armenia	4	4	Partly Free
Australia	1	1	Free
Austria	1	1	Free
Azerbaijan	7	7 ▼	Not Free
Bahamas	1	1	Free
Bahrain	7	6	Not Free
Bangladesh	5	5	Partly Free
Barbados	1	1	Free
Belarus	7	7 ▼	Not Free
Belgium	1	1	Free
Belize	2	1	Free
Benin	5 ▼	3 ▼	Partly Free
Bhutan	3 ▼	4	Partly Free
Bolivia	3	3	Partly Free
Bosnia and Herzegovina	4	4	Partly Free
Botswana	3	2	Free
Brazil	2	3	Free
Brunei	6	5	Not Free
Bulgaria	2	2	Free
Burkina Faso	4	4	Partly Free
Burundi	7	6	Not Free
Cabo Verde	1	1	Free
Cambodia	7	5	Not Free
Cameroon	6	6	Not Free
Canada	1	1	Free

Country	PR	CL	Freedom Status
Central African Republic	7	7	Not Free
Chad	7	6	Not Free
Chile	1	1	Free
China	7	6	Not Free
Colombia	3	3	Partly Free
Comoros	5	4	Partly Free
Congo (Brazzaville)	7	6 ▼	Not Free
Congo (Kinshasa)	7	6	Not Free
Costa Rica	1	1	Free
Côte d'Ivoire	4 ▲	4	Partly Free
Croatia	1	2	Free
Cuba	7	6	Not Free
Cyprus	1	1	Free
Czech Republic	1	1	Free
Denmark	1	1	Free
Djibouti	7	5	Not Free
Dominica	1	1	Free
Dominican Republic	3	3	Partly Free
Ecuador	2 ▲	3	Free ▲
Egypt	6	6	Not Free
El Salvador	3 ▼	4	Partly Free
Equatorial Guinea	7	7	Not Free
Eritrea	7	7	Not Free
Estonia	1	1	Free
Eswatini	7	6 ▼	Not Free
Ethiopia	5 ▲	6	Not Free
Fiji	4 ▼	3	Partly Free
Finland	1	1	Free
France	1	2	Free
Gabon	7	5	Not Free
Georgia	4	3	Partly Free
Germany	1	1	Free
Ghana	2	2	Free
Greece	1	2	Free
Grenada	1	2	Free
Guatemala	4	4	Partly Free
Guinea	6 ▼	5	Not Free ▼
Guinea-Bissau	5	4	Partly Free
Guyana	2	3	Free

Country	PR	CL	Freedom Status
Haiti	6 ▼	5	Not Free ▼
Honduras	4	4 ▲	Partly Free
Hungary	3	3	Partly Free
Iceland	1	1	Free
India	2	4	Partly Free
Indonesia	2	4	Partly Free
Iran	7 ▼	6	Not Free
Iraq	5	6	Not Free
Ireland	1	1	Free
Israel	2	3	Free
Italy	1	1	Free
Jamaica	2	2	Free
Japan	1	1	Free
Jordan	6	5	Not Free
Kazakhstan	7	5	Not Free
Kenya	4	4	Partly Free
Kiribati	1	1	Free
Kosovo	3 ▲	4	Partly Free
Kuwait	5	5	Partly Free
Kyrgyzstan	7	5	Not Free
Laos	7	6	Not Free
Latvia	1	2	Free
Lebanon	5	4	Partly Free
Lesotho	3	3	Partly Free
Liberia	3	4	Partly Free
Libya	7	6	Not Free
Liechtenstein	2	1	Free
Lithuania	1	2	Free
Luxembourg	1	1	Free
Madagascar	3	4	Partly Free
Malawi	3	3	Partly Free
Malaysia	4	4	Partly Free
Maldives	4	5	Partly Free
Mali	6	5	Not Free
Malta	2	1	Free
Marshall Islands	1	1	Free
Mauritania	5	5	Partly Free
Mauritius	1	2	Free
Mexico	3	4	Partly Free

Country	PR	CL	Freedom Status
Micronesia	1	1	Free
Moldova	3	3	Partly Free
Monaco	3	1	Free
Mongolia	1	2	Free
Montenegro	3	3	Partly Free
Morocco	5	5	Partly Free
Mozambique	5	4	Partly Free
Myanmar	7 ▼	6	Not Free
Namibia	2	2	Free
Nauru	2	3	Free
Nepal	3	4	Partly Free
Netherlands	1	1	Free
New Zealand	1	1	Free
Nicaragua	7 ▼	5	Not Free
Niger	4	4	Partly Free
Nigeria	4	5	Partly Free
North Korea	7	7	Not Free
North Macedonia	3	3	Partly Free
Norway	1	1	Free
Oman	6	5	Not Free
Pakistan	5	5	Partly Free
Palau	1	1	Free
Panama	2	2	Free
Papua New Guinea	4	3	Partly Free
Paraguay	3	3	Partly Free
Peru	2 ▲	3	Free ▲
Philippines	3	4	Partly Free
Poland	2	2	Free
Portugal	1	1	Free
Qatar	6	5	Not Free
Romania	2	2	Free
Russia	7	6	Not Free
Rwanda	6	6	Not Free
Samoa	2	2	Free
San Marino	1	1	Free
São Tomé and Príncipe	2	2	Free
Saudi Arabia	7	7	Not Free
Senegal	3	3	Partly Free
Serbia	4	3	Partly Free

Country	PR	CL	Freedom Status
Seychelles	2	2 ▲	Free
Sierra Leone	3	3	Partly Free
Singapore	4	4	Partly Free
Slovakia	1	1	Free
Slovenia	1	2 ▼	Free
Solomon Islands	2	2	Free
Somalia	7	7	Not Free
South Africa	2	2	Free
South Korea	2	2	Free
South Sudan	7	7	Not Free
Spain	1	1	Free
Sri Lanka	4	4	Partly Free
St. Kitts and Nevis	2	1	Free
St. Lucia	1	1	Free
St. Vincent and the Grenadines	1	1	Free
Sudan	7	6	Not Free
Suriname	2	2	Free
Sweden	1	1	Free
Switzerland	1	1	Free
Syria	7	7	Not Free
Taiwan	1	1	Free
Tajikistan	7	6	Not Free
Tanzania	5	5	Partly Free
Thailand	7	5	Not Free
The Gambia	4	4	Partly Free
Timor-Leste	2	3	Free
Togo	5	4	Partly Free
Tonga	2	2	Free
Trinidad and Tobago	2	2	Free
Tunisia	3 ▼	3	Partly Free ▼
Turkey	5	6	Not Free
Turkmenistan	7	7	Not Free
Tuvalu	1	1	Free
Uganda	6	5	Not Free
Ukraine	3	3 ▲	Partly Free
United Arab Emirates	7	6	Not Free
United Kingdom	1	1	Free
United States	2	2	Free
Uruguay	1	1	Free

Country	PR	CL	Freedom Status
Uzbekistan	7	6	Not Free
Vanuatu	2	2	Free
Venezuela	7	6	Not Free
Vietnam	7	6	Not Free
Yemen	7	6	Not Free
Zambia	4	4	Partly Free
Zimbabwe	6	5	Not Free

PR and CL stand for political rights and civil liberties, respectively; 1 represents the most free and 7 the least free rating.

▲ ▼ up or down indicates an improvement or decline in ratings or status since the last survey.

NOTE: The ratings reflect global events from January 1, 2021, through December 31, 2021.

Territories

Territory	PR	CL	Freedom Status
Abkhazia	5	5	Partly Free
Crimea	7	6	Not Free
Eastern Donbas	7	7	Not Free
Gaza Strip	7	6	Not Free
Hong Kong	6 ▼	4 ▼	Partly Free
Indian Kashmir	6	5	Not Free
Nagorno-Karabakh	5	5	Partly Free
Northern Cyprus	3	2	Free
Pakistani Kashmir	6	5	Not Free
Somaliland	4	4 ▲	Partly Free
South Ossetia	7	6	Not Free
Tibet	7	7	Not Free
Transnistria	6	6	Not Free
West Bank	7	5	Not Free
Western Sahara	7	7	Not Free

PR and CL stand for political rights and civil liberties, respectively; 1 represents the most free and 7 the least free rating.

▲ ▼ up or down indicates an improvement or decline in ratings or status since the last survey.

NOTE: The ratings reflect global events from January 1, 2021, through December 31, 2021.

Combined Average Ratings: Independent Countries

FREE	Mongolia	3.5	Jordan
1.0	Slovenia	Bhutan	Mali
Andorra	St. Kitts and Nevis	El Salvador	Oman
Australia		Fiji	Qatar
Austria	2.0	Georgia	Turkey
Bahamas	Antigua and Barbuda	Kosovo	Uganda
Barbados	Argentina	Liberia	Zimbabwe
Belgium	Bulgaria	Madagascar	
Cabo Verde	Ghana	Mexico	6.0
Canada	Jamaica	Nepal	Cambodia
Chile	Monaco	Papua New Guinea	Cameroon
Costa Rica	Namibia	Philippines	Djibouti
Cyprus	Panama	Serbia	Egypt
Czech Republic	Poland		Gabon
Denmark	Romania	4.0	Kazakhstan
Dominica	Samoa	Armenia	Kyrgyzstan
Estonia	São Tomé and Príncipe	Benin	Nicaragua
Finland	Seychelles	Bosnia and Herzegovina	Rwanda
Germany	Solomon Islands	Burkina Faso	Thailand
Iceland	South Africa	Côte d'Ivoire	
Ireland	South Korea	Guatemala	6.5
Italy	Suriname	Honduras	Afghanistan
Japan	Tonga	Kenya	Bahrain
Kiribati	Trinidad and Tobago	Malaysia	Burundi
Luxembourg	United States	Niger	Chad
Marshall Islands	Vanuatu	Singapore	China
Micronesia		Sri Lanka	Congo (Brazzaville)
Netherlands	2.5	The Gambia	Congo (Kinshasa)
New Zealand	Botswana	Zambia	Cuba
Norway	Brazil		Eswatini
Palau	Ecuador	4.5	Iran
Portugal	Guyana	Comoros	Laos
San Marino	Israel	Guinea-Bissau	Libya
Slovakia	Nauru	Lebanon	Myanmar
Spain	Peru	Maldives	Russia
St. Lucia	Timor-Leste	Mozambique	Sudan
St. Vincent and the		Nigeria	Tajikistan
Grenadines	PARTLY FREE	Togo	United Arab Emirates
Sweden	3.0		Uzbekistan
Switzerland	Albania	5.0	Venezuela
Taiwan	Bolivia	Bangladesh	Vietnam
Tuvalu	Colombia	Kuwait	Yemen
United Kingdom	Dominican Republic	Mauritania	
Uruguay	Hungary	Morocco	7.0
	India	Pakistan	Azerbaijan
1.5	Indonesia	Tanzania	Belarus
Belize	Lesotho		Central African Republic
Croatia	Malawi	NOT FREE	Equatorial Guinea
France	Moldova	5.5	Eritrea
Greece	Montenegro	Algeria	North Korea
Grenada	North Macedonia	Angola	Saudi Arabia
Latvia	Paraguay	Brunei	Somalia
Liechtenstein	Senegal	Ethiopia	South Sudan
Lithuania	Sierra Leone	Guinea	Syria
Malta	Tunisia	Haiti	Turkmenistan
Mauritius	Ukraine	Iraq	

**Combined Average Ratings:
Related and Disputed Territories**

FREE

2.5

Northern Cyprus

PARTLY FREE

4.0

Somaliland

5.0

Abkhazia

Hong Kong

Nagorno-Karabakh

NOT FREE

5.5

Indian Kashmir

Pakistani Kashmir

6.0

Transnistria

West Bank

6.5

Crimea

Gaza Strip

South Ossetia

7.0

Eastern Donbas

Tibet

Western Sahara

Freedom in the World 2022

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